

# DUNDEE DEVELOPMENT ORDINANCE

City of Dundee  
620 SW 5<sup>th</sup> Street  
Dundee, Oregon  
97115

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**1.101        TITLE**

This Ordinance shall be known and may be referred to as the City of Dundee Development Ordinance.

## **1.102 PURPOSE AND SCOPE**

### **1.102.01 Purpose**

This Ordinance is enacted to:

- A. Implement the goals and policies of the City of Dundee Comprehensive Land Use Plan;
- B. Provide methods of administering and enforcing the provisions of this Ordinance; and
- C. Promote the public health, safety, and general welfare of the community.

### **1.102.02 Conformance Required**

The use of all land, as well as the construction, reconstruction, enlargement, structural alteration, movement, use, or occupation of any structure within the City of Dundee shall conform to the requirements of this Ordinance.

### **1.102.03 Violations**

Upon failure to comply with any provision of this Ordinance, or with any restrictions or conditions imposed hereunder, the Council may withhold any further permits and may withhold or withdraw City utility services until correction is made. Notwithstanding any such action taken by the Council, any person, firm or corporation who violates, disobeys, omits, neglects, or refuses to comply with any of the provisions of the Ordinance shall be subject to civil penalties of no more than 250.00 for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

### **1.102.04 Interpretation**

The provisions of this Ordinance shall be interpreted as minimum requirements. When this Ordinance imposes a greater restriction than is required by other provisions of law, or by other regulations, resolutions, easements, covenants or agreements between parties, the provisions of this Ordinance shall control.

When a certain provision of this Ordinance conflicts with another provision of this Ordinance or is unclear, the correct interpretation of the Ordinance shall be determined by the City Council.

1.102.05 Savings Clause

Should any section, clause, or provision of this ordinance be declared invalid by a court of competent jurisdiction, the decision shall not affect the validity of the Ordinance as a whole or of the remaining sections. Each section, clause, and phrase is declared severable.

1.102.06 Conflicting Ordinances

City of Dundee Ordinances No. 168 and No. 180 and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.



## 1.103 ESTABLISHMENT OF ZONING DISTRICTS

### 1.103.01 Districts

For the purposes of this ordinance, the incorporated area of the City of Dundee, Oregon, is hereby divided into the following zoning districts:

#### Plan Designation

#### Zoning District Name

#### Section

Agriculture

Agricultural (A)

Agriculture

Exclusive

Farm

Use

2.101  
(EFU)

2.102

Low Density Residential

Single-Family Residential (R-1)

2.103

Low Density Residential

Single-Family Residential (R-2)

2.104

High Density

Resid  
ential

Mediu  
m-  
Densit  
y  
Resid  
ential  
(R-3)

Commercial

Community

Commercial

2.105  
(C)

2.106

Commercial

Centr  
al  
Busin  
ess  
Distric  
t  
(CBD)

Commercial		2.107
		Comm ercial Destin ation Resort (CDR)
Industrial		2.108
		Light Indust rial (LI)
Public	Public (P) 2.110	2.109

For the purposes of this ordinance, the following overlay zones are placed in certain areas of the City of Dundee:

Floodplain Overlay Zone (FP)

Greenway Management Overlay Zone (GM) 2.111

Community Victorian District Overlay Zone (CV) 2.112

2.113

1.103.02      Boundaries

- A. The zoning district boundaries are shown on the zoning map of the City of Dundee. This map is made a part of this Ordinance. Any future changes to the zoning of land within the City of Dundee which are approved under the provisions of this Ordinance shall be appropriately depicted on the Dundee Zoning Map.
- B. The Planning Commission shall resolve any dispute over the exact location of a zoning district boundary. In interpreting the location of such boundaries on the Dundee Zoning Map, the Planning Commission shall rely on the Dundee Comprehensive Plan Map and the following guidelines for the location of zoning district boundaries; property lines; lot lines; center lines of streets, alleys, streams, or railroads; City boundaries; notations on the Dundee Zoning Map; or other planning criteria determined appropriate by the Planning Commission.

## CHAPTER 1.200 - DEFINITIONS

<b>Section 1.200</b>	<b>DEFINITIONS.....</b>	<b>1.2-1</b>
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### 1.200.01 Grammatical Interpretation.

Words used in the masculine include the feminine, and feminine the masculine. Words used in the present tense include the future, the singular number includes the plural, and the word "shall" is mandatory and not directory. Where terms or words are not defined, they shall have their ordinary accepted meanings within the context of their use.

### 1.200.02 Definitions.

The following words and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this Chapter, except in those instances where the context clearly indicates a different meaning. Definitions with a "\*\*\*" are provided with a visual design in Section 1.200.03.

**Access:** The way or means by which pedestrians, bicycles and vehicles shall have safe, adequate and usable ingress and egress to property.

**Access Management:** Measures regulating access to streets, roads, and highways from abutting public or private property.

**Accessway:** An easement or right-of-way, not located within a street or road right-of-way, designated for pedestrian and /or bicycle passage. May

also be called a multi-use path.

Adequate Access: Direct routes of travel between destinations.

Adequate Area: Space sufficient to provide all required public services to standards defined in this code.

Accessory Building (Structure): A detached, subordinate building or portion of a main building, the use of which is incidental to that of the main building or to the use of the land, but does not include dwellings or living quarters.

Accessory Use: A use incidental, appropriate and subordinate to the main use of the parcel, lot or building.

Adjoining: Contiguous or abutting, exclusive of street width. It shall include the terms adjacent, abutting, or contiguous.

Administrative Review: A decision affecting land use within the City which is based on the application and/or enforcement of existing standards contained in this Ordinance. Administrative decisions will be made by the City Recorder.

Alteration, Structural: Any change in the exterior dimensions of a building or a change or repair which would affect or materially change a supporting member of a building, such as a bearing wall, column, beam, or girder.

Appeal: A request for a review of the decision authority's action on an application or interpretation.

Applicant: The owner of record or contract purchaser.

Automobile, Recreational Vehicle or Trailer Sales Areas: A lot used for display, sale, or rental of new or used automobiles, recreational vehicles or trailers where no repair work is done except minor, incidental repairs of automobiles or trailers to be displayed, sold or rented on the premises.

Automobile Service Station: A building designed primarily for the supplying of motor fuel, oil, lubrication and accessories to motor vehicles, but excluding major repair and overhaul.

\*\*

Basement: That portion of a building between floor and ceiling which is partly below and partly above grade, but so located that the vertical distance from grade to the floor below is equal to or greater than the vertical distance from grade to ceiling. If such portion of a building is not a basement, then it shall be considered a story.

**Bed and Breakfast Establishment:** A structure designed and occupied as a residence and in which sleeping rooms are provided on a daily or weekly basis for use by travelers or transients for a charge or fee paid for the rental or use of the facilities.

**Bicycle Facilities:** Facilities which provide for the needs of bicyclists, including bikeways and bicycle parking.

**Bikeway:** A designated area located within and parallel to a street or road right-of-way for the primary use of bicycles; generally located abutting the roadway curb or shoulder.

\*\*

**Block:** A parcel of land bounded by three (3) or more streets.

**Boarding, Lodging, or Rooming House:** A building where lodging with or without meals is provided for compensation for not more than five (5) persons in addition to members of the family occupying such building.

**Building:** A structure having a roof and built for the support, shelter, or enclosure of persons, animals, or property of any kind. A trailer coach, with or without wheels, shall not be considered a building.

**Building, Main:** A building in which is conducted a principal or main use of the building site on which it is situated.

**Building Official:** An individual empowered by the City Council to administer and enforce building regulations.

**Building Site:** A parcel, lot, or plot of land occupied or to be occupied by a principal use and accessory uses and/or building or group of buildings, which parcel, lot, or plot of land complies with all the requirements of this title relating to building sites.

**Cabana:** A stationary structure which may be prefabricated or demountable, with two or more walls, used in conjunction with a manufactured home to provide additional living space and meant to be moved with the manufactured home.

**Campground:** A premises under one ownership where persons camp or live in any manner other than permanent building constructed entirely of wood or more lasting materials, excepting mobile home parks.

**Carpool:** Two or more persons each with a valid driver's license commuting in a single vehicle.

**Carport:** A stationary structure consisting of a roof with its supports and not more than one wall or storage cabinet substituting for a wall and used

for covering a vehicle parking space.

**Cemetery:** Land used or intended to be used for the burial of the dead, and dedicated for cemetery purposes, including a columbarium, crematory, mausoleum, or mortuary, when operated in conjunction with and within the boundary of such cemetery.

**Church:** A permanently located building primarily used for religious worship. A church shall also include accessory buildings for related religious activities and a residence.

**City:** The City of Dundee, Oregon.

\*\*

**Clear-Vision Area:** A triangular area on a lot at the intersection of two streets or a street and a railroad, two sides of which are lines measured from the corner intersection of the right-of-way lines. The third side of the triangle is a line across the corner of the lot joining the ends of the other two sides. Where the lines at the intersections have rounded corners the right-of-way lines will be extended in a straight line to a point of intersection. The size of clear-vision areas are listed in Section 2.209.08.

**Clinic:** A facility for examination and treatment of human ailments by a group of physicians, dentists, or other licensed practitioners on an out-patient basis and not involving overnight housing of patients.

**Club:** An organization, group, or association supported by the members thereof, the purpose of which is to render a service primarily for members and their guests, but shall not include any organization, group, or association the chief activity of which is to render a service customarily carried on as a business for profit.

**Commercial Storage:** See Warehouse.

**Commission:** The City Planning Commission of Dundee, Oregon.

**Common Open Space:** An area, feature, or building or other facility within a development designed and intended for the use or enjoyment of all occupants of the development or for the use and enjoyment of the general public.

**Community Building:** A publicly owned and operated facility used for meetings, recreation, or education.

**Comprehensive Plan:** The Comprehensive Plan of the City of Dundee,

Oregon.

Condominium: Property submitting to the provisions of ORS 94.004 to 94.480, and, 94.991.

Conforming: In compliance with the regulations of the Code.

Council: The City Council of Dundee, Oregon.

Critical Feature: An integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

Day Care Facility: An institution, establishment or place, not a part of a public school system, in which are commonly received three (3) or more children, not of common parentage, under the age of 14 years, for a period not exceeding 12 hours per day for the purpose of being given board, care, or training apart from their parents or guardians for compensation or reward.

Density: The number of dwellings, mobile homes, or mobile home spaces per gross acre.

Development: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

Driveway: A minor private way used by vehicles and pedestrians to gain access from an approved public access or right-of-way onto a lot or parcel of land.

Dwelling-Multi-Family: A building containing three (3) or more dwelling units designed for occupancy by three (3) or more families living independently of each other.

Dwelling-Single-Family-Detached: A detached building containing one dwelling unit designed exclusively for occupancy by one (1) family.

Dwelling-Townhouse: A multi-family structure so designed that each individual dwelling unit is located upon a separate lot or parcel.

Dwelling-Two-Family (Duplex): A detached building containing two (2) dwelling units designed exclusively for occupancy by two (2) families living independently of each other.

Dwelling Unit: One or more rooms designed for occupancy by one family and not having more than one cooking facility. Includes all conventional

and prefabricated housing which meets Uniform Building Code specifications and is constructed on a permanent foundation.

Easement: A grant of right to use an area of land for a specific purpose.

Family: An individual or two or more persons related by blood or marriage or a group of not more than five persons (excluding servants) who need not be related by blood or marriage living together in a dwelling unit.

Farming: The use of land for purposes defined in ORS Chapter 215.

Fence: An unroofed barrier or an unroofed enclosing structure or obstruction constructed of any materials including but not limited to, wire, wood, cement, brick, and plastic.

Fence, Sight Obscuring: A fence or evergreen planting arranged in such a way as to obstruct vision.

Flag Lot: A lot, the major portion of which has access by means of a comparatively narrow strip of land.

Floor Area: The sum of the gross horizontal areas of the several floors of a building, measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings, but not including:

1. Attic space providing headroom of less than seven feet;
2. Basement, if the floor above is less than six feet above grade;
3. Uncovered steps or fire escapes;
4. Private garages, carports, or porches;
5. Accessory water towers or cooling towers;
6. Off-street parking or loading spaces.

Garage, Private: A detached accessory building or portion of a main building used for the parking or temporary storage of automobiles in which no business, occupation, or service is provided.

Garage, Public: A building, other than a private garage, used for the care, repair, or equipping of motor vehicles, or where such vehicles are parked or stored for compensation, hire, or sale.

\*\*

Grade: The average elevation of the finished ground at the centers of all walls of a building, except that if a wall is parallel to and within five



feet of a sidewalk, the sidewalk elevation opposite the center of the wall shall constitute the ground elevation.

Guest House: A detached accessory building used as sleeping quarters for guests of the occupants of the main dwelling on a non-commercial basis and having no cooking facilities.

Height of Building: The vertical distance from the "grade" to the highest point of the coping of a flat roof or the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof.

Home Occupation: A lawful occupation carried on by a resident of a dwelling as a secondary use within the same dwelling.

Hospital: An establishment which provides sleeping and eating facilities to persons receiving medical, obstetrical, or surgical care with nursing service on a continuous basis.

Hotel: Any building in which lodging is provided to guests for compensation and in which no provision is made for cooking in individual rooms.

Junk Yard: The use of more than 200 square feet of the area of any lot for the storage of salvage materials, including scrap metals or other scrap materials, or for the dismantling or "wrecking" of automobiles or other vehicles or machinery, whether or not such uses are conducted as a business for profit or otherwise.

Kennel: Any lot or premises on which four (4) or more dogs and/or cats over the age of four months are kept for sale, lease, boarding, or training.

Land Division: Any partition or subdivision of a lot or parcel.

Livestock: Domestic animals of types customarily raised or kept on farms for profit or other purposes.

Loading Space: An off-street space or berth on the same lot with a building, or contiguous to a group of buildings, used for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley or other appropriate means of access.

Lot: A parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yard and other open spaces as herein required; such lots shall have frontage on a public street, and may consist of:

1. Single lot of record;

2. Portion of a lot of record; or
3. Combination of complete lots of record and portions of lots of record.

**Lot Area:** The total area of a lot, measured in a horizontal plane within the lot boundary lines, exclusive of public and private roads and easements of access to other property. For flag-shaped lots, the access strip shall not be included in lot area for the purposes of minimum lot area requirements of this Ordinance.

**Lot of Record:** A lawfully created lot or parcel established by plat, deed, or contract as duly recorded in Yamhill County property records.

**\*\* Lot, Corner:** A lot abutting on two intersecting streets, other than an alley, where the angle of intersecting streets is no greater than 135 degrees.

**\*\* Lot Coverage:** The portion of a lot covered or occupied by buildings or other structures.

**\*\* Lot Depth:** The horizontal distance measured from the midpoint of the front lot line to the midpoint of the rear lot line.

**\*\* Lot, Flag:** A lot or parcel of land taking access by a relatively narrow strip of land between the major portion of the parcel and the point of public access to the parcel, all of which is in the same ownership or title.

**\*\* Lot Frontage:** The distance between the two side lot lines measured at the minimum front setback line, parallel to the street line.

**\*\* Lot, Interior:** A lot other than a corner lot.

**Lot Line Adjustment:** The realignment of a common boundary between two contiguous lots or parcels which does not involve the creation of a new lot or parcel.

**\*\* Lot Line, Front:** The property line separating the lot from the street, other than an alley. In the case of a corner lot, the shortest property line along a street, other than an alley.

**\*\* Lot Line, Rear:** A property line which is opposite and most distant from the front lot line. In the case of an irregular, triangular or other shaped lot, a line ten (10) feet in length within the lot, parallel to and at a maximum distance from the front line.

\*\* Lot Line, Side: Any property line which is not a front or rear lot line.

\*\* Lot, Through: An interior lot having frontage on two streets.

\*\* Lot Width: The average horizontal distance between the side lot lines, ordinarily measured parallel to the front lot line.

Lowest Floor: The lowest floor of the lowest enclosed area, including basement, of a building or structure.

Manufactured Home:

XLVIII A residential trailer, a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed before January 1, 1962.

XLIX A mobile home, a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed between January 1, 1962 and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.

LA home, a structure with a Department of Housing and Urban Development label certifying that the structure is constructed in accordance with the National Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.), as amended August 22, 1981 and constructed after June 15, 1976.

Manufactured Home Park: Any place where four or more manufactured homes are located within 500 feet of one another on a lot, tract, or parcel of land under the same ownership, the primary purpose of which is to rent or lease space or keep space for rent or lease to any person for a charge or fee paid or to be paid for the rental, lease, or use of facilities or to offer space free in connection with securing the trade or patronage of such person. A person shall not construct a new manufactured home park or add lots to an existing manufactured home park without approval by the Department of Commerce. "Manufactured home park" does not include a lot or lots located within a subdivision being rented or leased for occupancy by no more than one manufactured home per lot if the subdivision was approved pursuant to this Ordinance.

Manufactured Home Subdivision: A subdivision intended for and designed to accommodate manufactured homes on individual lots and developed pursuant to the provisions of this Ordinance.

Master Plan: A sketch or other presentation showing the ultimate development lay-out of a parcel or property that is to be developed in successive stages or subdivisions.

**Mini-Storage Warehouse:** An area or areas located within an enclosed building or structure used only in connection with a residential land use for the storage of nonflammable or non explosive materials.

**Modular or Prefabricated Home:** A dwelling unit whose components are assembled and brought to the site and erected. The dwelling unit is intended and designed to be placed upon a permanent foundation and substantial construction is needed before it is complete and ready for permanent occupancy. Modular or prefabricated homes are regulated by the Uniform Building Code (UBC).

**Motel:** A building or group of buildings on the same lot containing rooms designed for lodging, with or without cooking facilities, which are available for rent and in which each lodging unit has a separate entrance from the building exterior. The term includes auto courts, tourist courts, tourist homes, and motor lodges.

**Multi-use Path:** See “accessway.”

**Nearby Uses:** Activities or uses within 1/4 mile which can be reasonably expected to be used by pedestrians, and within 1 mile which can be reasonably expected to be used by bicyclists.

**Neighborhood Activity Centers:** Schools, parks, and other like sites.

**New Construction:** Structures for which construction was initiated on or after the effective date of this Ordinance.

**Non-Conforming Structure or Use:** A lawfully existing structure or use at the time this Ordinance or any amendments thereto becomes effective, which does not conform to the requirements of the zone in which it is located.

**Nursing Home:** Any home, place or institution which operates and maintains facilities providing convalescent or nursing care, or both, for period exceeding 24 hours for 2 or more ill or infirm patients not related to the nursing home administrator, or owner, by blood or marriage. Convalescent care may include, but is not limited to, the procedures commonly employed in nursing and caring for the sick and includes rest homes and convalescent homes, but does not include a boarding home for the aged, a retirement home, hotel, hospital, or a chiropractic facility licensed under ORS.

**Official Zoning Map:** The map or maps upon which the zone locations in the City of Dundee are indicated.

**Owner:** The owner of record of real property as shown on the latest tax rolls or deed records of the county, or a person who is purchasing a parcel or property under written contract.

**Park and Ride Lot:** Parking spaces, dedicated or shared use, that are provided for motorists who transfer to and from single occupancy vehicles to public transportation vehicles or to a carpool or vanpool operation.

**Parking Area, Private:** An open area, building or structure, other than a street or alley, used for the parking of the automobiles of residents and guests of a building.

**Parking Area, Public:** An open area, building or structure, other than a private parking area, street or alley, used for the parking of automobiles and other motor vehicles, and available for use by persons patronizing a particular building or establishment.

**Parking Space:** An enclosed or open surfaced area, exclusive of maneuvering and access area, permanently reserved for the temporary storage of an automobile and connected with a street or alley by a surfaced driveway which affords ingress and egress for automobiles. The following are not considered parking spaces for the purposes of OAR 660-12-045(5)(c): park and ride lots, disabled parking and parking for carpools and vanpools.

**Partition:** To divide an area or tract of land into two or three parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year. "Partition" does not include:

- Divisions of land resulting from lien foreclosures, divisions of land resulting from contracts for the sale of real property, and divisions of land resulting from the creation of cemetery lots; or

- Any adjustment of a lot line by the relocation of a common boundary where an additional parcel is not created and where the existing parcel reduced in size by the adjustment is not reduced below the minimum lot size established by any applicable zoning ordinance; or

- A sale or grant by a person to a public agency or public body for state highway, county road, or other right-of-way purposes provided that such road or right-of-way complies with the applicable comprehensive plan and ORS 215.213 (2)(q) to (s) and 215.283 (2)(p) to (r).

**Pedestrian Connection:** A continuous, unobstructed, reasonably direct route intended and suitable for pedestrian use between two points. Pedestrian connections include but are not limited to sidewalks, walkways, accessways, stairways and pedestrian bridges.

**Pedestrian Plaza:** A small semi-enclosed area usually adjoining a sidewalk or a transit stop which provides a place for pedestrians to sit, stand, or rest.

**Person:** Every natural person, firm, partnership, association, social or fraternal organization, corporation, estate, trust, receiver, syndicate, branch of government, or any other group or combination acting as a unit.

**Place of Public Assembly:** Structure or place which the public may enter for such purposes as deliberation, education, worship, shopping, entertainment, amusement, awaiting transportation or similar activity.

**Plan Map:** An officially adopted map of the City, including urban growth boundary, showing land use designations and other graphic information which is part of the City's Comprehensive Plan.

**Planned Unit Development:** A type of development of a site which, as a single project, is based on a design which incorporates all elements of land, structures and uses in conformance with the applicable standards of this Ordinance.

**Planning Commission:** The Planning Commission of Dundee, Oregon.

**Plat:** The final map which is a diagram, drawing, re-plat or other writing containing all the descriptions, locations, specifications, dedications, provisions, and information concerning a subdivision or partition.

**Primary Surface:** A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the Primary Surface extends 200 feet beyond each end of that runway. When the runway has no specially prepared hard surface, or planned hard surface, the Primary Surface ends at each end of that runway. The width of the Primary Surface is 250 feet for Utility Runways having only visual approaches and 500 feet for other than utility runways.

**Professional Office:** An office occupied by an accountant, architect, artist, attorney-at-law, professional engineer, land surveyor, land use planner, insurance agent, real estate broker, landscape architect, or practitioner of the human healing arts, or other professional business similar in type, scale and character.

**Public Facilities and Services:** Projects, activities, and facilities which are necessary for the public health, safety, and welfare.

**Quasi-Judicial Review:** A decision affecting land use within the City which requires the interruption and/or amendment of existing standards or maps contained in this Ordinance. Quasi-Judicial decisions are heard by the Planning Commission. The decision of the Planning Commission is final except when the decision would necessitate an amendment to this ordinance. In those cases the Planning Commission decision is forwarded as a recommendation to the City Council for a final decision. Quasi-judicial review is required for Variances, Conditional Use Permits, Subdivisions, Planned Unit Developments, Comprehensive Plan and Zone Changes, and Urban Growth Boundary Amendments.

**Ramada:** A stationary structure having a roof extending over a manufactured home, which may also extend over a patio or parking space and is used principally for protection from the elements.

**Recreational Vehicle:** A vacation trailer or other vehicular or portable unit which is either self-propelled or towed or is carried by a motor vehicle and which is intended for human occupancy and is designed for vacation or recreational purposes but not residential use.

**Recreational Vehicle Park:** Any area operated and maintained for the purposes of picnicking or providing space for overnight use by recreational vehicles.

**Residential Facility:** A facility licensed by or under the authority of the Department of Human Resources under ORS 443.400 to 443.460 which provides residential care alone or in conjunction with treatment or training or a combination thereof for six to fifteen individuals who need not be related. Staff persons required to meet Department of Human Resources licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to and resident of the residential facility.

**Residential Home:** A home licensed by or under the authority of the Department of Human Resources under ORS 443.400 to 443.825 which provides residential care alone or in conjunction with treatment or training or a combination thereof for five or fewer individuals who need not be related. Staff persons required to meet Department of Human Resources licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to and resident of the residential facility.

**Retail Trade:** The process of selling to the consumer for direct

consumption and not for resale.

\*\*

Right-of-Way: The full length and width of a public street or way, planned or constructed.

School, Elementary, Junior High or High School: An institution public or parochial, offering instruction in the several branches of learning and study, in accordance with the rules and regulations of the State Department of Education.

School, Trade or Commercial: A building where the instruction is given to pupils for a fee in money or otherwise, which fee is the principal reason for the existence of the school.

Semi-Public Use: A structure or use intended or used for a semi-public purpose by a church, lodge, club, or any other non-profit organization.

Service Station: Any lot used primarily for the retail sales of motor vehicle fuels and lubricants for delivery on premises, and minor automobile repair and service.

\*\*

Setback: The distance between a specified lot line and the foundation or exterior wall of a building or structure.

\*\*

Sign: An identification, description, illustration or device which is affixed to or represented, directly or indirectly, upon a building, structure, or land, and which directs attention to a product, place, activity, person, institution or business, and which may be illuminated directly or indirectly.

Space, Manufactured Home: An area or lot reserved exclusively for the use of a manufactured home occupant.

Start of Construction: The date a building permit is issued, provided that the actual start of construction, repair, reconstruction, placement or other improvement occurs within 180 days of the permit date.

Story: That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the top-most story shall be that portion of a building included between the upper surface of the top-most floor and the ceiling or roof above. If the finished floor level directly above a basement or cellar is more than six (6) feet above grade as defined herein, such basement or cellar shall constitute a story.

\*\*

Street: The entire width between the boundary lines of every way of travel which provides for public or private use for the purpose of



providing ingress and egress for vehicular and pedestrian traffic and the placement of utilities to one or more lots, parcels, areas, or tracts of land. A private way is excluded that is created to provide ingress and egress to land in conjunction with the use of such land for forestry, mining, or agricultural purposes.

1.Alley: A narrow street through a block used primarily for access by service vehicles to the back or side of properties fronting on another street.

1.Arterial: A street of considerable continuity which is used primarily for through traffic and interconnection between major areas of the City.

Collector: A street supplementary to the arterial street system, used partly by through traffic and partly for access to abutting properties.

Cul-de-sac (dead-end): A short street with one end open to traffic and the other terminated by a vehicle turn-around.

Dead-end Street: A street which terminates without a turn-around area and is intended to continue at some time in the future.

Half Street/Three-Quarter Street: A portion of the width of a street, usually along the edge of a subdivision, where the remaining portion of the street could be provided in another subdivision. Typically this includes the near side curbs and sidewalks, paved surface, and drainage facilities.

Frontage Road, Marginal Access Road: A service road parallel and adjacent to a major arterial street providing access to abutting properties, but protected from through traffic.

Local Street: A street intended primarily for access to abutting properties, but protected from through traffic.

Structural Alteration: Any change to the supporting members of a structure, including foundation bearing walls or partitions, columns, beams or girders, or any structural change in the roof or in the exterior walls.

Structure: That which is built or constructed, an edifice or building of any kind, or a piece of work artificially built up or composed of parts joined together in some definite manner.

Subdivide: To divide an area or tract of land into four or more parcels within a calendar year for the purpose of transfer of ownership or building development, whether immediate or future, when such parcel exists as a unit or contiguous units under a single ownership as shown on the tax roll for the year preceding the division of property.

Subdivision: All divisions of property which create four or more lots in a single calendar year.

Substantial Improvement: The cost of any repair, reconstruction or improvement of a structure equal to or greater than fifty percent (50%) of its market value before such alteration occurred.

Trailer (Travel or Vacation): See Recreational Vehicle.

Travel Trailer Parks: See Campground, or, Recreational Vehicle Park.

Unstable Soil: Any soil type, as defined by the U.S. Soil Conservation Service and identified in the Comprehensive Plan, which has severe limitations for development due to potential flooding, erosion, structural instability or inadequate sewage waste disposal.

Urban Growth Boundary: An adopted boundary around the City which defines the area in which the City expects to grow, where public facilities will be extended, and where joint planning responsibilities are exercised with Yamhill County.

Use: The purpose for which land or a structure is designed, arranged, or intended, or for which it is occupied or maintained.

Vanpool: More than five persons each with a valid driver's license commuting in a single vehicle.

Veterinary Clinic: A facility designed to contain treatment and temporary care facilities for the cure and prevention of ailments or injuries of domestic animals, including both domestic pets and farm animals, under the direction of a licensed veterinarian.

Warehouse: A place for the safekeeping of goods and materials necessary for the proper functioning of an industrial or commercial enterprise. Also a facility designed and intended to be used for the rental of storage units to individuals for the safekeeping of personal items.

Wholesale Trade: The bulk sale of goods for resale to a person other than the direct consumer.

\*\*

Yard, Front: A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel thereto at the nearest point of the foundation of the main building.

\*\*

Yard, Rear: A yard extending across the full width of the lot between the most rear primary building and the rear lot line, but for

determining the depth of the required rear yard, it shall be measured horizontally from the nearest point of the rear lot line.

\*\*

Yard, Side: A yard, between a primary building and the side lot line, extending from the front yard, or front lot line where no front yard is required, to the rear yard or the rear lot line if no rear yard is required; the width of the required side yard shall be measured horizontally from the nearest point of the side lot line toward the nearest part of the foundation of a primary building.

\*\*

Yard, Front: A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel to the nearest point of the foundation of the main building.

\*\*

Yard, Rear: A yard extending across the full width of the lot between the most rear portion of a main building and the rear lot line; but for determining the depth of the required rear yard, it shall be measured horizontally from the nearest point of the rear lot line; or, if the rear lot line adjoins an alley, then from the centerline of the alley, toward the nearest part of the foundation of the main building.

\*\*

Yard, Side: A yard, between the main building and side lot line, extending from the front yard, or front lot line where no front yard is required, to the rear yard. The width of the required side yard shall be measured horizontally from the nearest point of the side lot line toward the nearest part of the foundation of the main building.

## CHAPTER 2.100 - ZONING AND DEVELOPMENT PROVISIONS

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## **2.101                    AGRICULTURAL ZONE (A)**

### **2.101.01        Purpose**

The purpose of this district is to encourage the continuation of productive farm land within the City.

### **2.101.02        Permitted Uses**

No building, structure, or land shall be used and no building or structure shall be hereafter erected, altered, or enlarged in this district except for the following uses:

- A.     Raising or harvesting crops; for the feeding, breeding, and management of livestock; for dairying; or for any other agricultural or horticultural use or any combination thereof. Includes the preparation of the products raised thereon for man's use and disposal by marketing or otherwise.
- B.     Single-family dwelling (including manufactured dwelling), or, dwellings for owners, operators, or help required to carry out a use specified in Section 2.101.02 (A). The establishment of more than one dwelling per lot shall require conditional use approval.
- C.     Accessory buildings, including a private garage, guest house, recreation room, greenhouse, bathhouse, stable, barn, corral, pen, coop, kennel, or other similar buildings normally required in connections with a use specified in Section 2.101.02 (A).
- D.     Stand for the display and sale of only those products produced on the land by the owner or operator.

### **2.101.03        Conditional Uses**

The following uses are permitted as conditional uses, provided that such uses are approved in accordance with Section 3.103.

- A.     Additional dwellings in conjunction with farm use
- B.     Commercial activities that are in conjunction with farm use
- C.     Private parks, playgrounds, hunting and fishing preserves, and campgrounds
- D.     Parks, playgrounds, or community centers owned and operated by a governmental agency or a non-profit organization

- E. Golf courses
- F. Utility facilities for the purpose of generating power for public use by sale
- G. Churches

2.101.04      Dimensional Standards

The following minimum dimensional standards shall be required for all development in the Agricultural District except for modifications permitted under Section 2.402, General Exceptions.

- A. Minimum Lot Area 20 acres
- B. Minimum Yard Setbacks
 

All structures shall maintain the following minimum yard setbacks:

  - 1. Front Yard 20 feet
  - 2. Rear Yard 20 feet
  - 3. Side Yard (interior) 10 feet
  - 4. Side Yard (adjacent to street) 20 feet
- C. Maximum Structure Height
 

Dwelling	30 feet
All other structures	45 feet

2.101.05      Development Standards

All development in the A District shall comply with the applicable provisions of Section 2.400 of this Ordinance. In addition, the following specific standards shall apply:

- A. Off-street parking. Parking shall be as specified in Section 2.203.
- B. Signs. Signs shall conform to the requirements of Section 2.206.
- C. Accessory structures. Accessory structures as provided for in Section 2.401.

**2.102                      EXCLUSIVE FARM USE (EFU)**

2.102.01      Purpose

The purpose and intent of the EFU zone is provide areas for the continued



practice of agriculture and permit the establishment of only those new uses which are compatible to agricultural activities.

Further, it is the intent of this zone to provide for the automatic farm use valuation for farms which qualify under the provisions of Oregon Revised Statute 308. Therefore, the Exclusive Farm Use zone is to be applied in those areas generally well suited for farming, as indicated by the nature and type of soil, size and location of the property, the suitability of the terrain, and other similar factors.

Further, the EFU zone is intended to guarantee the preservation and maintenance of the areas so classified for farm use free from conflicting non-farm uses and influences. The zone is subject to change only in those instances where there is substantial evidence that such land is no longer suitable for agriculture or that there has been a significant and substantial change in the land needs in the City which clearly demonstrate that such land is needed for uses other than agriculture. Such determination shall not be based upon the difference in the value of the land.

It is not the purpose or intent of this ordinance to regulate or limit farm or agricultural use of the land.

#### 2.102.02 Permitted Uses

Unless otherwise subject to Conditional Use provisions or requirements of this Ordinance, the following uses are permitted in the EFU zone:

- A. Farm uses, as defined in ORS 215
- B. The propagation or harvesting of a farm product
- C. Dwellings in conjunction with existing farm use

#### 2.102.03 Conditional Uses

The following uses are permitted as conditional uses, provided that such uses are approved in accordance with Section 3.103.

- A. Single-family residential dwellings not in conjunction with farm use provided:
  - 1. The dwelling is compatible with farm uses described in ORS 215.203 (2) and the purpose and intent set forth in ORS 215.243

2. Does not interfere seriously with accepted farming practices, as defined in ORS 215.203 (2) (c), on adjacent lands devoted to farm use
  3. Does not materially alter the stability of the overall land use pattern of the area
- B. Additional dwellings in conjunction with farm use.
  - C. Commercial activities that are in conjunction with farm use
  - D. Operations conducted for the exploration, mining, and processing of geothermal resources as defined by ORS 552.010 (4)
  - E. Operations conducted for the exploration, mining, and processing of aggregate and other mineral resources or other subsurface resources
  - F. Private parks, playgrounds, hunting and fishing preserves, and campgrounds
  - G. Parks, playgrounds, or community centers owned and operated by a governmental agency or a non-profit organization
  - H. Golf courses
  - I. Utility facilities for the purpose of generating power for public use by sale
  - J. Churches

#### 2.102.04 Dimensional Standards

The following dimensional standards shall be the minimum requirements for all development in the EFU District except for modifications permitted under Section 2.402, General Exceptions.

##### A. Minimum Lot Area

20 acres (for the purpose of this section, contiguous lots or parcels of land under one ownership, whether or not previously platted, shall be considered as a single lot or parcel)

##### B. Minimum Yard Setback Requirements

1. All principal structures shall maintain the following minimum

yard setbacks:

a.	Front Yard	30 feet
b.	Rear Yard	
	Dwellings	30 feet
	Churches, schools, and other uses	50 feet
c.	Side Yard	
	Dwellings	15 feet
	Churches, schools, and other uses	30 feet

C. Maximum Structure Height

Dwelling	35 feet
All other structures	45 feet

2.102.05 Development Standards

All development in the EFU District shall comply with the applicable provisions of Section 2.400 of this Ordinance. In addition, the following specific standards shall apply:

- A. Off-street parking. Parking shall be as specified in Section 2.203.
- B. Signs. Signs shall conform to the requirements of Section 2.206.
- C. Accessory structures. Accessory structures as provided for in Section 2.401.

## **2.103 SINGLE-FAMILY RESIDENTIAL ZONE (R-1)**

### **2.103.01 Purpose**

The purpose of the R-1 District is to preserve existing single family residential areas and provide for future single family residential housing opportunities at densities between 3.5 and 4.0 units per acre. The R-1 District is consistent with the Low Density Residential Comprehensive Plan designation.

### **2.103.02 Permitted Uses**

Unless otherwise subject to Conditional Use provisions or requirements of this Ordinance, the following uses are permitted in the R-1 zone:

- A. Single family dwelling, including a single-family manufactured home subject to Section 2.303 of this Ordinance
- B. Public park and recreation area
- C. Partitioning, subject to the provisions in Section 3.106
- D. Subdivisions, subject to the provisions in Section 3.107
- E. Planned unit development subject to the provisions of Sections 2.302
- F. Home occupations

### **2.103.03 Conditional Uses**

The following uses are permitted as conditional uses, provided that such uses are approved in accordance with Section 3.103.

- A. Church
- B. Public or private school
- C. Community building
- D. Golf course except driving range, or miniature golf operated as a business
- E. Cemetery, including crematorium
- F. Utility facility

G. Farming, excluding livestock

2.103.04 Dimensional Standards

The following dimensional standards shall be the minimum requirements for all development in the R-1 District except for modifications permitted under Section 2.402, General Exceptions.

A. Minimum Lot Area

1. Single family dwellings: 9,000 square feet

LI Public utility structures: Lot area shall be adequate to contain all proposed structures within the required yard setbacks.

B. Minimum Yard Setback Requirements

1. All principal and accessory structures shall maintain the following minimum yard setbacks:

- |    |                                |         |
|----|--------------------------------|---------|
| a. | Front Yard                     | 20 feet |
| b. | Rear Yard                      |         |
|    | (1) Principal Structure        | 20 feet |
|    | (2) Accessory Structure        | 10 feet |
| c. | Side Yard (interior)           | 10 feet |
|    | Side Yard (adjacent to street) | 20 feet |

- |    |                          |         |
|----|--------------------------|---------|
| C. | Maximum Structure Height |         |
|    | Dwellings                | 30      |
|    | feet                     |         |
|    | Non-dwellings            | 30 feet |

- |    |                                |         |
|----|--------------------------------|---------|
| D. | Minimum Lot Width and Frontage | 60 feet |
|----|--------------------------------|---------|

- |    |                   |         |
|----|-------------------|---------|
| E. | Minimum Lot Depth | 90 feet |
|----|-------------------|---------|

2.103.05 Development Standards

All development in the R-1 District shall comply with the applicable provisions of Section 2.400 of this Ordinance. In addition, the following specific standards shall apply:

- A. Off-street parking. Parking shall be as specified in Section 2.203.

- B. Subdivisions and partitions. Land divisions shall be reviewed in accordance with the provisions of Section 2.208.

- C. Lot Coverage. The following shall mean the maximum permitted lot coverage, maximum coverage of public and private parking areas or garages, and/or combined maximum lot and parking combined coverage required:

Maximum lot coverage:	35%
Maximum parking area coverage:	30%
Combined maximum lot and parking area coverage:	65%

- D. Yards and Lots. Yards and lots shall conform to the standards of Section 2.209.
- E. Signs. Signs shall conform to the requirements of Section 2.206.
- F. Recreational vehicles, trailers, boats and other similar vehicles shall not be parked in the front yard area of the dwelling.
- G. Driveways shall be separated from an intersection by at least 30 feet or one-half the lot frontage, whichever is greater.
- H. Accessory structures. Accessory structures as provided for in Section 2.401.
- I. No more than one (1) main building shall be located on a lot or parcel.

## **2.104 SINGLE-FAMILY RESIDENTIAL ZONE (R-2)**

### **2.104.01 Purpose**

The purpose of the R-2 District is to provide areas for the development of a mixture of single-family housing opportunities at densities between 4.0 and 4.7 units per acre. The R-2 District is consistent with the Low Density Residential Comprehensive Plan designation.

### **2.104.02 Permitted Uses**

Unless otherwise subject to Conditional Use provisions or requirements of this Ordinance, the following uses are permitted in the R-2 zone:

- A. Single-family dwelling, including a single-family manufactured home subject to Section 2.303 of this Ordinance
- B. Public park and recreation area
- C. Partitioning, subject to the provisions in Section 3.106
- D. Subdivisions, subject to the provisions in Section 3.107
- E. Planned unit development subject to the provisions of Sections 2.302
- F. Home occupation

### **2.104.03 Conditional Uses**

The following uses are permitted as conditional uses, provided that such uses are approved in accordance with Section 3.103.

- A. Church
- B. Public or private school
- C. Community building
- D. Golf course except driving range, or miniature golf operated as a business
- E. Cemetery, including crematorium
- F. Utility facility
- G. Farming, excluding livestock

- I. Two-family dwelling (duplex), provided that no more than three (3) duplexes are located in any two contiguous blocks as defined on the Dundee town plot map

2.104.04 Dimensional Standards

The following dimensional standards shall be the minimum requirements for all development in the R-2 District except for modifications permitted under Section 2.402, General Exceptions.

A. Minimum Lot Area

- 1. Single-family dwelling: 7,000 square feet  
Duplex: 10,000 square feet
- 2. Public utility structures: Lot area shall be adequate to contain all proposed structures within the required yard setbacks.

B. Minimum Yard Setback Requirements

- 1. All principal and accessory structures shall maintain the following minimum yard setbacks:
  - a. Front Yard 20 feet
  - b. Rear Yard
    - (1) Principal Structure 15 feet
    - (2) Accessory Structure 7.5 feet
  - c. Side Yard (interior) 7.5 feet  
Side Yard (adjacent to street) 15 feet

- C. Maximum Structure Height
  - Dwellings 30 feet
  - Non-dwellings 30 feet

- D. Minimum Lot Width and Frontage 60 feet

- E. Minimum Lot Depth 90 feet

2.104.05 Development Standards

All development in the R-2 District shall comply with the applicable provisions of Section 2.400 of this Ordinance. In addition, the following



specific standards shall apply:

- A. Off-street parking. Parking shall be as specified in Section 2.203.
- B. Subdivisions and partitions. Land divisions shall be reviewed in accordance with the provisions of Section 2.208.
- C. Lot Coverage. The following shall mean the maximum permitted lot coverage, maximum coverage of public and private parking areas or garages, and/or combined maximum lot and parking combined coverage required:

Maximum lot coverage:	40%
Maximum parking area coverage:	30%
Combined maximum lot and parking area coverage:	70%
- D. Yards and Lots. Yards and lots shall conform to the standards of Section 2.209.
- E. Signs. Signs shall conform to the requirements of Section 2.206.
- F. Recreational vehicles, trailers, boats and other similar vehicles shall not be parked in the front yard area of the dwelling.
- G. Driveways shall be separated from an intersection by at least 30 feet or one-half the lot frontage, whichever is greater.
- H. Accessory structures. Accessory structures as provided for in Section 2.401.
- I. No more than one (1) main building shall be located on a lot or parcel.

## **2.105 MEDIUM DENSITY RESIDENTIAL ZONE (R-3)**

### **2.105.01 Purpose**

The purpose of the R-3 District is to provide opportunities for medium density housing at a density no greater than 10 units per acre. The R-3 District is consistent with the Medium Density Residential Comprehensive Plan designation.

### **2.105.02 Permitted Uses**

Unless otherwise subject to Conditional Use provisions or requirements of this Ordinance, the following uses are permitted in the R-3 zone:

- A. Single-family or Two-family (duplex) dwelling, including a single-family manufactured home subject to Section 2.303 of this Ordinance.
- B. Multiple-family dwelling, subject to a Site Plan Review (Section 3.105)
- C. Public park and recreation area
- D. Partitioning, subject to the provisions in Section 3.106
- E. Subdivisions, subject to the provisions in Section 3.107
- F. Planned unit development subject to the provisions of Sections 2.302
- G. Boarding, lodging, or rooming house
- H. Home occupation

### **2.105.03 Conditional Uses**

The following uses are permitted as conditional uses, provided that such uses are approved in accordance with Section 3.103.

- A. Church
- B. Public or private school
- C. Community building
- D. Golf course except driving range, or miniature golf operated as a business

- E. Cemetery, including crematorium
- F. Utility facility
- G. Manufactured home park
- H. Hospital or clinic
- I. Convalescent or nursing home

2.105.04      Dimensional Standards

The following dimensional standards shall be the minimum requirements for all development in the R-3 District except for modifications permitted under Section 2.402, General Exceptions.

- A. Minimum Lot Area
  - 1. Total lot area shall not be less than 5,000 square feet
  - 2. Lot area per dwelling unit shall not be less than 3,000 square feet
  - 3. Public utility structures: Lot area shall be adequate to contain all proposed structures within the required yard setbacks.
- B. Minimum Yard Setback Requirements
  - 1. All principal and accessory structures shall maintain the following minimum yard setbacks:
 

a. Front Yard	15 feet
b. Rear Yard	
(1) Principal Structure	15 feet
(2) Accessory Structure	5 feet
c. Side Yard (interior)	5 feet
Side Yard (adjacent to street)	15 feet
- C. Maximum Structure Height
 

Dwellings	30 feet
Non-dwellings	30 feet
- D. Minimum Lot Width and Frontage
 

	50 feet
--	---------

E. Minimum Lot Depth 80 feet

2.105.05 Development Standards

All development in the R-3 District shall comply with the applicable provisions of Section 2.400 of this Ordinance. In addition, the following specific standards shall apply:

- A. Off-street parking. Parking shall be as specified in Section 2.203.
- B. Subdivisions and partitions. Land divisions shall be reviewed in accordance with the provisions of Section 2.208.
- C. Lot Coverage. The following shall mean the maximum permitted lot coverage, maximum coverage of public and private parking areas or garages, and/or combined maximum lot and parking combined coverage required:
  - Maximum building coverage: 45%
  - Maximum parking area coverage: 30%
  - Combined maximum building and parking area coverage: 75%
- D. Multi-family residential uses (three or more units) shall comply with the following standards:
  - 1. Multi-family developments shall be subject to the Site Development Review procedures in Section 3.105.
  - 2. All multi-family residential structures within a development shall maintain a minimum horizontal separation distance of 15 feet.
  - 3. Access points to public streets shall minimize traffic congestion and avoid directing traffic onto local access streets.
- E. Landscaping. Multi-family dwelling developments shall provide a minimum landscaped area equal to 25 percent of the gross site area. Landscaping improvements shall be installed and maintained in accordance with Section 2.207 of this Ordinance.
- F. Yards and Lots. Yards and lots shall conform to the standards of Section 2.209.
- G. Signs. Signs shall conform to the requirements of Section 2.206.

- H. Recreational vehicles, trailers, boats, and other similar vehicles shall not be parked in the front yard area of the dwelling.
- I. Driveways shall be separated from an intersection by at least 30 feet.
- J. Accessory structures. Accessory structures as provided for in Section 2.401.

## **2.106 COMMUNITY COMMERCIAL ZONE (C)**

### **2.106.01 Purpose**

To provide areas for a wide range of retail, wholesale, transportation, and service uses along Highway 99W. To assure compatibility between these uses and adjacent residential and light industrial uses, special design standards are specified.

### **2.106.02 Permitted Uses**

The following uses are permitted in the C zone, subject to a Site Plan Review:

- A. Pre-schools, nurseries and kindergartens
- B. Non-profit member organizations, such as business associations, labor unions, political organizations or fraternal lodges
- C. Public automobile parking
- D. Public and semi-public buildings, structures and uses, such as parks, municipal offices, libraries, police and fire stations and hospitals
- E. Public utility structures and buildings, such as pump stations, reservoirs, electric substations, and necessary right-of-way for identified public utilities
- F. Business offices including, but not limited to, insurance, real estate and title insurance; credit agencies, brokerages, loan companies, and investment companies; and, miscellaneous offices such as detective agencies, drafting services or contractors offices
- G. Professional offices including, but not limited to, medical, dental, engineering and legal services. Veterinary clinics shall not provide on-site services for farm animals
- H. Banks and other financial institutions
- I. Hotels and motels
- J. Mortuary
- K. Greenhouse and garden supply
- L. Retail sales outlet including, but not limited to, food stores, pharmacy, furniture store, hobby or photography store, florist, liquor

store, hardware store, appliance or stereo equipment store, pet shop, sporting goods, department store, jewelry, gift, and other types retail activities

- M. Restaurants, drive-ins, taverns, snack shops and other types of eating and drinking establishments
- N. Retail and service related stores such as TV and radio sales and service, bicycle shop, gunsmith, equipment rental, upholstery shop or other similar activities where a service department is customarily a secondary activity to the retail use
- O. Service related businesses such as barber shops, beauty shops, advertising agencies, self-serve laundry, dry cleaning, printing or photocopying, or other activities where the primary activity is the providing of a service to retail customers
- P. Partitioning or the subdividing of property, consistent with the provisions in Section 2.208
- Q. Accessory structures and uses customarily provided for retail activities

#### 2.106.03 Conditional Uses

The following uses are allowed subject to obtaining a conditional use permit and completing a Site Plan Review:

- A. Automobile service station, including towing services and vehicle washing and polishing facilities, and services, and, subject to the development provisions in Section 2.308
- B. Automobile, truck, motorcycle, trailer, recreational vehicle and boat sales, and, subject to the development provisions in Section 2.308
- C. Part and accessory sales for automobiles, trucks, motorcycles, trailers, recreational vehicles and boats, and, subject to the development provisions in Section 2.308
- D. Retail tire sales and tire recapping, service and repair, paint and body shop, and, subject to the development provisions in Section 2.308
- E. Lumber yard and contracting supplies for lumber, stone, masonry or metal (sales only)

- F. Special trade contracting facilities, such as; floor laying, building equipment, masonry and stone, plumbing, electrical, metal work or painting.
- G. Welding shop and blacksmith where activities are conducted wholly within a building
- H. Amusement and recreation facilities such as auditoriums, stadiums, arcades, bowling alleys, miniature golf courses, community center and motion picture theater
- I. Newspaper, periodical, publishing and printing
- J. Tractor and farm equipment, logging equipment; sales and service, and, subject to the development provisions in Section 2.308
- K. Veterinary clinics providing on-site service for farm animals
- L. Kennel
- M. Small scale manufacturing consistent with the requirements in Section 2.307
- N. Multiple-family dwellings

2. Park and ride lot; parking spaces cannot count as required parking or be used for vehicle storage.

3. Warehouse for short term storage, including mini-warehouse

#### 2.106.04 Limitations on Use

In the C zone, the following development limitations shall apply:

- A. All business, services, processing, or merchandise displays shall be conducted wholly within an enclosed building except for the following:
  - 1. Off-street parking or loading
  - 2. Drive-through windows
  - 3. Temporary display and sales of merchandise provided it is under cover of a projecting roof and does not interfere with pedestrian, bicycle, or automobile circulation
  - 4. Business which, in all cases, require outdoor storage of



merchandise, e.g., automobile, RV sales lots, or gas stations

- B. Not more than 50 percent of the floor area of the building and not more than 25 percent of the lot area of the commercial enterprise shall be used in the manufacturing, processing, or compounding of products.

#### 2.106.05 Dimensional Standards

The following minimum dimensional standards, with the exception of modifications permitted under Section 2.402, shall be required for all development in the Community Commercial District.

- A. Minimum lot area: 5,000 square feet
- B. Minimum yard setbacks:
  - 1. Front Yard
    - Adjoining a non-residential district None
    - Adjoining a residential district 20 feet
  - 2. Rear Yard
    - Adjoining a non-residential district None
    - Adjoining a residential district 20 feet
  - 3. Side Yard
    - Adjoining a non-residential district None
    - Adjoining a residential district 20 feet
- C. Maximum structure height: 45 feet

#### 2.106.06 Development Standards

All developments in the Central Business District shall comply with the applicable provisions of Section 2.400 of this Ordinance. In addition, the following specific standards shall apply:

- A. Off-Street Parking. Off-street parking shall be as specified in Section 2.203.
- B. Signs. Signs in the Commercial District shall be subject to the provisions of Section 2.206.
- C. Subdivisions and Partitions. All land divisions shall be reviewed in accordance with the provisions of Section 2.208.

- D. Design Review. All new development and expansion of an existing structure or use in the Community Commercial District shall be subject to the Site Development Review procedures of Section 3.105.
- E. Landscaping. All development in the Commercial District shall provide a minimum landscaped area equal to 10 percent of the gross site area. Landscaping improvements shall be installed and maintained in accordance with Section 2.207 of this Ordinance.
- F. Screening. Screening shall be required for the following:
  - 1. All outdoor storage areas shall be screened by a six foot sight-obscuring fence or wall.
  - 2. Where a commercial use abuts a residential zone, a six foot sight-obscuring fence or wall shall be installed along the full length of the property line. This requirement shall not cause the placement of a fence or wall in the clear-vision area.

## **2.107                      CENTRAL BUSINESS DISTRICT (CBD)**

### **2.107.01      Purpose**

This district provides an area for the establishment of an architecturally designed commercial core which promotes a "Victorian" theme. It provides a limited commercial usage for area residents, and as a visual attractor for visitors.

### **2.107.02      Permitted Uses**

The following uses are permitted outright in the CBD zone, subject to the Site Plan Review, except where noted:

- A.     Apartment(s) which are located on the second story above a permitted use commercial buildings
- B.     Business offices including, but not limited to, insurance, real estate and title insurance; credit agencies, brokerages, loan companies, and investment companies; and, miscellaneous offices such as detective agencies, drafting services or contractors offices
- C.     Professional offices including, but not limited to, medical, dental, engineering and legal services. Veterinary clinics shall not provide on-site services for farm animals
- D.     Art gallery, artisan's or craftsman's studio, photographic studio, picture framing
- E.     Banks and other financial institutions
- F.     Retail sales outlet including, but not limited to, food stores, pharmacy, furniture store, hobby or photography store, florist, liquor store, hardware store, appliance or stereo equipment store, pet shop, sporting goods, department store, jewelry, gift, and other types retail activities
- G.     Restaurants, delicatessen, taverns, snack shops and other types of eating and drinking establishments
- H.     Bakery, butcher shop, candy manufacturing when retail sales are provided on the premises
- I.     Bottling/Distilling rooms (limited by volume, degree of hazard and when retail sales are provided on the premises)

- J. Retail and service related stores such as TV and radio sales and service, bicycle shop, gunsmith, equipment rental, upholstery shop or other similar activities where a service department is customarily a secondary activity to the retail use
- K. Service related businesses such as barber shops, beauty shops, advertising agencies, printing or photocopying, dancing or music school, health and fitness club, or other activities where the primary activity is the providing of a service to retail customers
- L. Bed and breakfast inn
- M. Partitioning or the subdividing of property, consistent with the provisions in Section 2.208
- N. Accessory structures and uses customarily provided for retail activities
- O. Parking lot

#### 2.107.03 Conditional Uses

The following conditional uses are allowed in the CBD zone subject to obtaining a conditional use permit and completing a Site Plan Review:

- A. Public buildings and public utility buildings and structures
- B. Church, club lodge, or fraternal organizations
- C. Theaters, including movie theaters
- D. Park and ride lot; parking spaces cannot count as required parking or be used for vehicle storage.

#### 2.107.04 Limitations on Use

- A. All business, service, processing, or merchandise displays shall be conducted wholly within an enclosed building except for the following:
  - 1. Off-street parking or loading.
  - 2. Temporary display and sales of merchandise, provided it is under cover of an projecting roof and does not interfere with pedestrian or automobile circulation.

- B. Drive-through or drive-in service for vehicles shall be prohibited. A walk-up window serving pedestrian traffic shall be permitted.

#### 2.107.05 Dimensional Standards

The following minimum dimensional standards, with the exception of modifications permitted under Section 2.402, shall be required for all development in the Central Business District.

- A. Minimum lot area: 5,000 square feet
- B. Minimum yard setbacks:
  - 1. Front Yard
    - Adjoining a non-residential district None
    - Adjoining a residential district 20 feet
  - 2. Rear Yard
    - Adjoining a non-residential district None
    - Adjoining a residential district 20 feet
  - 3. Side Yard
    - Adjoining a non-residential district None
    - Adjoining a residential district 20 feet
- C. Maximum structure height: 45 feet

#### 2.107.06 Development Standards

All developments in the CBD zone shall comply with the applicable provisions of Section 2.400 of this Ordinance. In addition, the following specific standards shall apply:

- A. Off-Street Parking. Off-street parking shall be as specified in Section 2.203.
- B. Signs. Signs in the CBD zone shall be subject to the provisions of Section 2.206.
- C. Subdivisions and Partitions. All land divisions shall be reviewed in accordance with the provisions of Section 2.208.
- D. Design Review. All new development and expansion of an existing structure or use in the Central Business District shall be subject to the Site Development Review procedures of Section 3.105.

- E. Landscaping. All development in the CBD zone shall provide a minimum landscaped area equal to 10 percent of the gross site area. Landscaping improvements shall be installed and maintained in accordance with Section 2.207 of this Ordinance.
- F. Commercial Victorian District Overlay Zone. All developments in the CBD zone shall comply with the provisions of the Commercial Victorian Overlay Zone (Section 2.117).

## **2.108 COMMERCIAL DESTINATION RESORT DISTRICT (CDR)**

### **2.108.01 Purpose**

This district provides for the establishment of a destination resort area. This area will promote a architecturally designed "Victorian" theme. It provides a limited commercial usage for area residents, and as a visual attractor for visitors.

### **2.108.02 Permitted Uses**

The following uses are permitted outright in the CDR zone, subject to a site plan and design review for architectural design compliance.

- A. Barber or Beauty Shop
- B. Bicycle Rental Shop
- C. Clothing Shop both men's and women's
- D. Delicatessen
- E. Eating and Drinking establishments
- F. Gift Shop
- G. Golf Course
- H. Golf Pro Shop
- I. Hotel/Motel
- J. Theaters, including movie theaters
- K. Marina (with no boat repair)
- L. Convention Center

### **2.108.03 Conditional Uses**

The following conditional uses are allowed in the CDR zone subject to obtaining a conditional use permit and completing a Site Plan Review:

- A. Public buildings and public utility buildings and structures.
- B. Church, club lodge, or fraternal organizations.
- C. Residential uses permitted in the R-3 zone.

- D. Park and ride lot; parking spaces cannot count as required parking or be used for vehicle storage.

#### 2.108.04 Limitations on Use

In a CDR zone the following development limitations shall apply:

- A. For the expansion of existing buildings and for new construction, a development plan shall be submitted to the Planning Commission for their approval. Such plans shall show the location of all existing and proposed buildings and structures, parking areas and access points, landscaping, lighting, size, and conformity to the architectural standards and other data as may have a bearing on the adjacent properties.
- B. All business, service, processing, or merchandise displays shall be conducted wholly within an enclosed building except for the following:
  - 1. Off street parking or loading.
  - 2. Temporary display and sales of merchandise provided, it is under cover of a projecting roof and does not interfere with pedestrian or automobile circulation.
- C. Drive-through or drive-in service for vehicles shall be prohibited. A walk-up window serving pedestrian traffic shall be permitted.

#### 2.108.05 Dimensional Standards

The following minimum dimensional standards, with the exception of modifications permitted under Section 2.402, shall be required for all development in the CDR zone.

- A. Minimum lot area: No limitation
- B. Minimum yard setbacks:
  - 1. Front Yard
    - Adjoining a non-residential district None
    - Adjoining a residential district 20 feet
  - 2. Rear Yard
    - Adjoining a non-residential district None
    - Adjoining a residential district 20 feet
  - 3. Side Yard



Adjoining a non-residential district	None
Adjoining a residential district	20 feet

C. Maximum structure height: 30 feet

2.108.06 Development Standards

All developments in the Commercial Destination Resort District shall comply with the applicable provisions of the Commercial Victorian District Overlay Zone.

## **2.109 LIGHT INDUSTRIAL ZONE (LI)**

### **2.109.01 Purpose**

To provide land for and to encourage the grouping together of warehousing, manufacturing, and other light industrial uses which, because of their normal characteristics, would be relatively unobjectionable, could be permitted to operate in close proximity to, and would not be detrimental to surrounding commercial or residential uses.

### **2.109.02 Permitted Uses**

Unless otherwise subject to Conditional Use provisions or requirements of this Ordinance, the following uses are permitted in the Industrial Zone:

- A. Dwelling for a caretaker or watchman.
- B. Public utility and public service installations, including repair and storage facilities
- C. Commercial activities:

#### **1. Lumber yard, building material supply**

A. Special trade contractor facilities for plumbing, roofing, sheet metal, electrical, heating and air-conditioning, tents and awnings, cabinet and carpentry, and similar construction and construction related activities. Permitted activities include the establishment of an office, storage of equipment and materials, and fabrication and repair

B. Automotive repair and maintenance, including electric motor repair, paint and body shop, tire recapping and similar automotive repair facilities; subject to the development provisions in Section 2.308

C. Repair and maintenance activities for other vehicles, such as motorcycles, aircraft, boats, recreational vehicles, and trucks; subject to the development provisions in Section 2.308

D. Tractor, farm equipment, heavy construction equipment, and logging equipment, rental, sales and service; subject to the development provisions in Section 2.308

#### **6. Welding and blacksmith shop**

1. Freight terminals, including loading docks, storage, warehousing and wholesale distribution, cold storage lockers and similar personal storage facilities such as mini-storage warehouses

D. Industrial uses:

1. Beverage bottling facility, including warehousing and distribution

2. Feed and seed facilities, including grain elevators and storage

3. Finished textile and leather products manufacture

1. Dairy products manufacturing, such as butter, milk cheese, and ice cream

1. Manufacture of wood products, including sawmills, paper and allied products, and secondary wood products

6. Machine shop, and sales, service and repair of machinery

7. Manufacture of metal products

8. Cement, glass, clay and stone products manufacturing

1. Food processing, including canning, freezing, drying and similar food processing and preserving

E. Uses clearly accessory and subordinate to the above

F. Park and ride lot; parking spaces cannot count as required parking or be used for vehicle storage.

2.109.03 Conditional Uses

The following uses may be permitted in the LI zone when authorized by the Planning Commission pursuant to Section 3.103.

A. Bulk storage of flammable liquids or gases. Petroleum products, storage and distribution, including wood fuel dealers.

B. Outdoor storage of materials of an industrial character

C. Concrete or asphalt batch plants

D. Chemical, fertilizer, insecticide, paint product manufacturing

E. Auction yard

F. Airport, and heliport facilities

G. Wrecking, demolition, junk yards, including recycling firms

H. Metal Plating

2.109.04 Prohibited Uses

A. Rendering plants

2.109.05 Limitation of Use

The following special development limitations shall apply:

A. Outside storage abutting or facing a residential or commercial zone shall be enclosed by a sight-obscuring fence.

B. Fence Requirements

1.The fence shall obstruct the storage from view on the sides of the property abutting or facing these zones.

2.The fence shall be of such material and design and must be maintained so as not to detract from the adjacent residences or commercial activities.

3. The fence shall be free of advertising.

C. Outside storage in a required yard shall not exceed 10 feet in height.

2.109.06 Dimensional Standards

The following dimensional standards, with the exception of modifications allowed under Section 2.402, shall be required for all development in the Light Industrial (LI) District.

A. Minimum Lot Size: 5,000 square feet

B. Setback Requirements:

1. Front yard None

2. Side yard  
Adjoining other than a residential zone None  
Adjoining a residential zone 20 feet

3. Rear yard  
Adjoining other than a residential zone None

Adjoining a residential zone 20 feet

C. Maximum Building Height: 45 feet

2.109.07 Development Standards

All development in the Light Industrial District shall comply with the applicable provisions of Section 2.400 of this Ordinance. In addition, the following specific standards shall apply:

- A. Off-street parking. Off-street parking in the Light Industrial District shall conform to the standards of Section 2.203.
- B. Signs. Signs in the Light Industrial District shall conform to the provisions of Section 2.206.
- C. Subdivisions and Partitions. All land divisions shall be reviewed in accordance with the provisions of Section 2.208.
- D. Design Review. All new development or expansion of existing structure or use in the Light Industrial District shall be subject to the Site Development Review procedures of Section 3.105.
- E. Landscaping. All development in the Light Industrial District shall provide a minimum landscaped area equal to 6 percent of the gross site area. Landscaping improvements shall be installed and maintained in accordance with Section 2.207 of this Ordinance.
- F. Access. Site access points shall be located to minimize traffic hazards.

## **2.110 PUBLIC ZONE (P)**

### **2.110.01 Purpose**

To provide for the location of public and semi-public lands, buildings, facilities and uses in a manner that will not unreasonably disrupt or alter areas of the community.

### **2.110.02 Permitted Uses**

The following uses are permitted in the P zone and subject to a Site Plan Review:

- A. Publicly owned buildings and facilities such as city halls, community centers, libraries, schools, fire stations and police stations
- B. Public outdoor recreation facilities such as parks, swimming pools, golf courses and playgrounds
- C. Public utility structures and buildings, such as pump stations, communication or transmission towers, reservoirs, electric substations, water and sewage treatment facilities and necessary right-of-way for identified public utilities; including office or administrative buildings
- D. Lands designated for public open space such as nature preserves or scenic areas
- E. Uses clearly accessory and subordinate to the above
- F. Park and ride lot; parking spaces cannot count as required parking or be used for vehicle storage.

### **2.110.03 Conditional Uses**

The following uses may be permitted in then P zone when authorized under the procedures in Section 3.103:

- A. Commercial recreational services with typical uses such as marinas, boating clubs, recreational vehicle or boat rentals, amusement parks, and race tracks
- B. Fraternal and civic organizational facilities
- C. Hospitals and overnight clinics
- D. Private schools and branch educational facilities

- E. Solid waste disposal, and recycling, sites and facilities
- F. Semi-public facilities such as churches, synagogues, temples, lodges, cemeteries, mortuaries, and private golf courses
- G. Commercial airport
- H. Communication and transmission towers and antennas exceeding 75 feet in height

2.110.04 Reserved

2.110.05 Dimensional Standards

The following dimensional standards, with the exception of modifications allowed under Section 2.402, shall be required for all development in the Public (P) Zone:

- A. Lot Size: 5,000 square feet
- B. Setback Requirements:
  - 1. Front yard 20 feet
  - 2. Side yard
    - a. Adjoining other than a residential zone None
    - b. Adjoining a residential zone 10 feet
  - 3. Rear yard
    - a. Adjoining other than a residential zone None
    - b. Adjoining a residential zone 10 feet
- C. Maximum Building Height: 45 feet

2.110.06 Development Standards

All development in the Public Zone shall comply with the applicable provisions of Section 2.400 of this Ordinance. In addition, the following specific standards shall apply:

- A. Off-street parking. Off-street parking in the Public Zone shall conform to the standards of Section 2.203.
- B. Signs. Signs in the Public Zone shall conform to the provisions of Section 2.206.

- C. Partitions. All land divisions shall be reviewed in accordance with the provisions of Section 2.208.
- D. Design Review. All new development or expansion of existing structure or use in the Public Zone shall be subject to the Site Development Review procedures of Section 3.105.
- E. Landscaping. All development in the Public Zone shall provide a minimum landscaped area equal to 6 percent of the gross site area. Landscaping improvements shall be installed and maintained in accordance with Section 2.207 of this Ordinance.



2.111

RESERVED

**2.112**

**RESERVED**

**2.113**

**RESERVED**

**2.114**

**RESERVED**

## **2.115 FLOOD PLAIN OVERLAY ZONE (FP)**

### **2.115.01 Purpose**

The purpose of the Flood Plain Overlay Zone is to:

- A. Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards or which result in damaging increases in erosion or in flood heights or velocities.
- B. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.
- C. Control the alteration of natural flood plains, stream channels and natural protective barriers, which help accommodate or channel flood waters.
- D. Control filling, grading, dredging and other development which may be subject to or increase flood damage.
- E. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

### **2.115.02 Definitions**

For purposes of this Overlay Zone, the following terms shall mean:

Area of Special Flood Hazard means the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year.

Base Flood means the flood having a one percent chance of being equalled or exceeded in any given year.

Development means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of a special flood hazard.

Flood" or "Flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- 1. The overflow of inland or tidal waters and/or
- 2. The unusual and rapid accumulation of runoff of surface waters from any source.

Flood Insurance Rate Map (FIRM) means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood Insurance Study means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Lowest Floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Section 2.115.10.

Manufactured Home means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes, the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

New Construction means structures for which the "start of construction" commenced on or after the effective date of this ordinance.

Start of Construction includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundation or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

Structure means a walled and roofed building including a gas or liquid storage tank that is principally above ground.

Substantial Improvement means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

1. before the improvement or repair is started, or
2. if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

#### 2.115.03 Lands To Which This Ordinance Applies

This ordinance shall apply to all areas of special flood hazards within the jurisdiction of the City of Dundee, Yamhill County, Oregon.

#### 2.115.04 Basis for Establishing the Areas of Special Flood Hazard

The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for Dundee, Oregon", dated March 1, 1982, with accompanying Flood Insurance Maps, is hereby referenced and declared to be a part of this ordinance. The Flood Insurance Study is on file at the office of the City Recorder, City Hall, Dundee, Oregon."

#### 2.115.05 Warning and Disclaimer of Liability

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City of Dundee, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

#### 2.115.06 Establishment of Development Permit

A Development permit shall be obtained before construction or

development begins within any area of special flood hazard established in Section 3.2 The permit shall be for all structures including mobile homes, as set forth in the "Definitions," and for all other development including fill and other activities, also as set forth in the "Definitions."

#### 2.115.07 Designation of the Administrator

The City Building Inspector is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions.

#### 2.115.08 Duties and Responsibilities of the Administrator

Duties of the Administrator shall include, but not be limited to:

##### A. Permit Review

1. Review all development permits to determine that the permit requirements of this ordinance have been satisfied.
2. Review all development permits to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.
3. Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of Section 2.115.10 C. 1. are met.

##### B. Use Of Other Base Flood Data

When base flood elevation data has not been provided in accordance with Section 2.115.04, the administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer Section 2.115.10.

##### C. Information to be Obtained and Maintained

1. Obtain and record the actual elevation (in relation to mean sea level) of the lowest habitable floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.

2. For all new or substantially improved flood-proofed structures:

- a. verify and record the actual elevation (in relation to



mean sea level), and

- b. maintain the flood-proofing certifications required in Section 2.115.10.

D. Alteration of Watercourses

1. Notify adjacent affected communities and the Oregon State Engineer prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.

2. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

E. Interpretation of FIRM Boundaries

Make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation. Such appeals shall be granted consistent with the standards of Section 1910.6 of the rules and regulations of the National Flood Insurance Program (24 CFR 1909, etc.).

2.115.09 Variances

Variances hereto may be issued only in accordance with the guidelines specified in Section 60.6 of the rules and regulations of the National Flood Insurance Program.

2.115.10 Provisions for Flood Hazard Protection

A. General Standards

In all areas of special flood hazards, the following standards are required:

1. Anchoring

- a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
- b. All mobile homes shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-

top and frame ties to ground anchors. Specific requirements shall be that:

- i. over-the-top ties be provided at each of the four corners of the mobile homes, with two additional ties per side at intermediate locations, with mobile homes less than 50 feet long requiring one additional tie per side;
  - ii. frame ties be provided at each corner of the home with five additional ties per side at intermediate points, with mobile homes less than 50 feet long requiring four additional ties per side;
  - iii. all components of the anchoring system be capable of carrying a force of 4,800 pounds; and,
  - iv. any addition to the mobile home be similarly anchored.
- c. An alternative method of anchoring may involve a system designed to withstand a wind force of 90 miles per hour or greater. Certification must be provided to the Administrator that this standard has been met.

## 2. Construction Materials and Methods

- a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
- c. Electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

## 3. Utilities

- a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and,

On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

## 4. Subdivision Proposals

a. All subdivision proposals shall be consistent with the need to minimize flood damage;

b. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;

c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and,

d. Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least 50 lots or 5 acres (whichever is less).

## 5. Review of Building Permits

Where elevation data is not available, applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available.

### B. Specific Standards

In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 2.115.04 or Section 2.115.08 (B) the following provisions are required:

#### 1. Residential Construction

a. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to one (1) foot above base flood elevation.

b. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

ii. The bottom of all openings shall be no higher than one foot above grade.

iii. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

#### 2. Nonresidential Construction

New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor as described in 2.115.10 B. 1., including basement, elevated to the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

a.Be flood-proofed so that below the base flood level the structure is water tight with walls substantially impermeable to the passage of water;

b.Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

c.Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Said certification shall be provided to the official as set forth in Section 2.115.08(C);

d.Nonresidential structures that are elevated, not flood-proofed, must meet the same standards for space below the lowest floor as described in 2.115.10(B)(2);

e.Applicants flood-proofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the flood-proofed level (e.g. a building constructed to the base flood level will be rated as one foot below that level).

### 3. Manufactured Homes

All manufactured homes to be placed or substantially improved within Zones A1-30, AH, and AE shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation and be securely anchored to an adequately anchored foundation system in accordance with the provisions of Section 2.115.10 A. 2.

### C. Floodways

Located within areas of special flood hazard established in Section 3.2 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and erosion potential, the following provisions apply:

1.Prohibit encroachments, including fill, new construction, substantial

improvements, and other development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

1.If subsection (1) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 2.115.10.

2.Prohibit the placement of any mobile homes, except in an existing mobile home park or existing mobile home subdivision.

## **2.116 GREENWAY MANAGEMENT OVERLAY ZONE (GM)**

### **2.116.01 Purpose**

The purpose of the GM (GREENWAY MANAGEMENT OVERLAY) Zone is to protect the natural, scenic, and recreation qualities of lands along the Willamette River in the City of Dundee; preserve and allow the restoration of historical sites, structures, and facilities along the Willamette River; implement the goals and policies of the State of Oregon's Willamette River Greenway Program; implement goals and policies of the City of Dundee's Comprehensive Plan; and establish standards and requirements for the use of lands within the Willamette River Greenway.

### **2.116.02 Application**

The provisions of this overlay zone shall apply to all lands within the Willamette River Greenway Boundary of the City of Dundee as shown on the official zoning map. The boundary is shown in detail on aerial photo maps on file with the Yamhill County Planning Division and the County Recorder. Interpretation of the exact location of the boundary shall be made by the City Recorder from these photo maps.

### **2.116.03 Definitions**

The following definitions shall be used in administering this overlay zone:

- A. Change of Use: Making a different use of the land than that which existed on December 6, 1975. It includes a change which requires construction, alterations of the land, water or other areas outside of existing buildings or structures and which substantially alters or affects the land or water. It does not include a change of use of a building or other structure which does not substantially alter or affect the land or water upon which it is situated. The sale of property is not in itself considered to be a change of use. An existing open storage area shall be considered to be the same as a building. Landscaping, construction of driveways, modifications of existing structures, or the construction or placement of such subsidiary structures or facilities as are usual and necessary to the use and enjoyment of existing improvements shall not be considered a change of use.
- B. Intensification: Any additions which increase or expand the area or amount of an existing use, or the level of activity. Remodeling of the exterior of a structure not excluded below is an intensification when it will substantially alter the appearance of the structure. Maintenance and repair usual and necessary for the continuance of an existing use is not an intensification of use. Reasonable

emergency procedures necessary for the safety or the protection of property are not an intensification of use. Residential use of lands within the Greenway includes the practices and activities customarily related to the use and enjoyment of one's home. Landscaping, construction of driveways, modification of existing structures, or construction or placement of such subsidiary structures or facilities adjacent to the residence as are usual and necessary to such use and enjoyment shall not be considered an intensification for the purpose of this Goal. Seasonal increases in gravel operations shall not be considered an intensification of use.

- C. Partial Harvesting of Timber: A timber harvest that leaves at least 25 percent of the trees at least 6 inches DBH standing beyond the vegetative fringe.
- D. Vegetative Fringe: A line generally parallel with the water line at least 30 feet upland from the ordinary high water mark including riparian and other vegetation screening upland development or activity areas from visibility from the water surface in the summer months.
- E. Water-Dependent: A use or activity which can be carried out only on, in or adjacent to water areas because the use requires access to the water body for water-borne transportation, recreation, energy production, or source of water.
- F. Water-Related: Uses which are not directly dependent upon access to a water body, but which provide goods or services that are directly associated with water-dependent land or waterway use, and which, if not located adjacent to water, would result in a public loss of quality in the goods or services offered. Except as necessary for water-dependent or water-related uses or facilities, residences, parking lots, spoil and dump sites, roads and highways, restaurants, businesses, factories and trailer parks are not generally considered dependent on or related to water location needs.

#### 2.116.04 Review of Uses

Within the GM (GREENWAY MANAGEMENT OVERLAY) Zone, a conditional use permit shall be required for all use changes, intensification of uses or site alteration on land or water otherwise permitted in the underlying zone except for the following activities which are not subject to review in this overlay zone:

- A. Customary dredging and channel maintenance conducted under permits from the State of Oregon



- B. Seasonal increases in gravel operations as provided under permit from the State of Oregon
- C. The placing by a public agency of signs, markers, aids, etc. to serve the public
- D. Activities to protect, conserve, enhance, and maintain public recreational, scenic, historical and natural uses of public lands, identified in a public park master plan approved by the City Council by order. If the responsible agency did not hold a public hearing prior to plan adoption, the City shall hold a hearing under the procedures for a conditional use permit and make findings that the criteria in this Chapter are satisfied before approving a park plan
- E. Erosion control operations not requiring a permit from the Division of State Lands
- F. Farm uses
- G. Reasonable emergency procedures necessary for the safety or protection of property
- H. Maintenance and repair usual and necessary for the continuance of an existing use
- I. Landscaping, propagation of timber, construction of driveways, and the construction or placement of accessory structures other than guest houses, provided that such activities are conducted in conjunction with uses already existing on the same property, are accomplished in a manner compatible with the purpose of this zone, and are located at least 30 feet upland from ordinary high water unless unusual site conditions are present. Setbacks are to be established on a case-by- case basis through the Greenway Development Conditional Use process.
- J. The partial harvesting of timber in accordance with a plan approval under the Forest Practices Act on lands upland beyond the vegetative fringe
- K. Water intakes and utilities in conjunction with an agricultural use and single-family residences
- L. Private docks and wharfs provided they are not more than two (2) feet above water level, not more than 100 square feet in area, do not include any plumbing or electrical services, and there is not more than one (1) such facility per property ownership

- A. A conditional use for development within the Greenway Management Overlay Zone shall be reviewed as a Type II action. The conditional use may be processed independently or in conjunction with other land use actions required for development of the property.
- B. In addition to the submittal requirements for a conditional use application, the applicant shall supply the following:

- 1. Plot plan showing the following:

- a. The area of the proposed use or activity.

- The proximity of the activity to the Willamette River at low and high water level and the location of the top of the terrace bank.

- The location of any existing vegetative fringe along the river bank or other significant vegetation.

- Statements, drawings, or photos of the proposed external appearance of proposed activity as viewed from the river.

- Statements demonstrating compliance with the provisions of this zone.

- Any additional information determined by the City Recorder, or designee, to be necessary to demonstrate compliance with this zone.

## 2.116.06 Review Standards and Criteria

A conditional use permit within the Greenway Management Overlay Zone, shall require compliance with the following decision criteria:

- A. Significant fish and wildlife habitats shall be protected.
- B. Significant natural and scenic areas, viewpoints and vistas shall be preserved.
- C. Areas of ecological, scientific, historical or archeological significance shall be protected, preserved, restored, or enhanced to the maximum extent possible.
- D. The quality of the air, water, and land resources in and adjacent to the Greenway shall be preserved in the development, change of use or intensification of use of land within the Greenway

#### Management Zone.

- E. Areas of annual flooding, flood plains, and wetlands shall be preserved in their natural state to the maximum possible extent to protect water retention, overflow and other natural functions.
- F. The natural vegetative fringe along the river shall be maintained to the maximum extent that is practical in order to assure scenic quality, protection of wildlife, protection from erosion, and screening of uses from the river.
- G. Only partial harvesting of timber shall be allowed. It shall be conducted in a manner consistent with the requirements under the Forest Practices Act. Wildlife habitat and the natural scenic qualities of the Greenway shall be maintained or be restored. The extent or type of harvest shall be limited as necessary to satisfy the appropriate standards and criteria in this subsection. Harvesting shall only occur beyond the vegetative fringe.
- H. The proposed development, change, or intensification of use is compatible with existing uses on the site and the surrounding area.
- I. Areas considered for development, change, or intensification of use which have erosion potential shall be protected from loss by appropriate means which are compatible with the provisions of the Greenway Management Zone.
- J. Extraction of aggregate deposits shall be conducted in a manner designed to minimize adverse effects on water quality, fish and wildlife, vegetation, bank stabilization, stream flow, visual quality, noise and safety and to guarantee necessary reclamation.
- K. Any public recreational use or facility shall not substantially interfere with the established uses on adjoining property.
- L. Maintenance of public safety and protection of public and private property, especially from vandalism and trespass, shall be provided to the maximum extent practicable.
- M. Except for water-related and water-dependent buildings and structures, buildings and structures shall be located 30 feet or more upland from the ordinary high water line unless it can be shown that the parcel size makes meeting this requirement impossible, or significant natural features would be lost if the standard is met.
- N. Public access to and along the river shall be provided in conjunction with subdivision, commercial and industrial

development ,and public lands acquisition where appropriate. This access should be located and designed to minimize trespass and other adverse affects on adjoining property.

- O. The development shall be directed away from the river to the greatest possible extent.
- P. The development, change, or intensification of use shall provide the maximum possible landscaped area, open space, or vegetation between the activity and the river.
- Q. Private docks and wharfs shall be limited to one per property ownership, and shall be limited to 150 square feet of gross area per property served. Walkways to the dock or wharf shall be not more than five (5) feet wide. When approving covered storage - Criteria B., C., E., and G., shall be considered. Covered storage facilities shall not extend more than 10 feet above water level and shall be designed and painted to blend into the natural environment as much as possible.

#### 2.116.07 Notice of Decision

In addition to notice required in Chapter 3, Notice of Decision approving conditional uses in the Greenway Management Overlay Zone shall be sent to the Division of Parks and Recreation in the same manner as required in Chapter 3, except notice shall be provided by certified mail.

## 2.117 COMMERCIAL VICTORIAN DISTRICT OVERLAY ZONE (CV)

### 2.117.01. Purpose

The purpose of this section is to provide architectural design standards to develop a Victorian design theme for certain areas of the City.

### 2.117.02 Application and Procedure

The design requirements will apply to all new, reconstructed, or remodeled commercial structures in the Commercial Victorian Overlay Zone. Each establishment is subject to Site Plan Review (Section 3.105) for compliance with these standards.

### 2.117.03 Design Theme: Late Victorian era 1870-1915 Period Architectural Design Style

The late Victorian era/1870-1915 Period Architecture of Oregon was often a blend of more than one style. Construction shall attempt to emulate one or more of the architectural styles listed below. All old or historical structures being rehabilitated shall conform to the U. S. Department of Interior *Standards for Rehabilitation*. Architectural styles are listed below and shall conform to those listed in "Architecture Oregon Style", Published by Professional Book Center, Inc., Portland, Oregon. (The Argyle tasting room is an example of a successfully rehabilitated old Dundee structure.)

Acceptable architectural styles of the period include:

<u>Style</u>	<u>Example</u>
Gothic Revival	Lee Laughlin House, 1879, Yamhill, OR
Stick/Eastlake	George Hochstedler House, 1889, Albany, OR
Queen Anne/Shingle	Benjamin Young House, 1888, Astoria, OR
Italianate/Second Empire	John M. Bunn House, 1888, Yamhill, OR
Edwardian	(need example)

Architectural styles of this time period which are not acceptable include:

<u>Style</u>	<u>Date</u>
Romanesque	1885-1900
American Renaissance Style	1880-1915
Colonial Revival	1890-1915
Oregon Rustic Style	1840-Present
Gothic Style	1910-1935
English Cottage Style	1910-1935
Prairie School	1900-1925
Bungalow Style	1900-1925

Art Deco or Modernistic Styles 1915-1945

2.117.04 Architectural Techniques

Characteristic elements of the late Victorian era 1870-1915 Period Style:

- A. Roof Shape: Pitch of 10/12 or greater, multi-gabled, hipped. Required: Minimum of one gable visible from the street, pitch of 10/12 or greater; or, as shown in "Architecture Oregon Style" commercial style flat roofs.
- B. Wraparound porches and verandas shall be incorporated where possible. Recessed porches in upper stories are desirable.
- C. Windows to be double or single hung. A variety of window shapes is permitted, including tall windows at least twice as tall as wide (example: 5 feet high x 2.5 feet wide), straight-topped, round-arched, palladians, bays and dormers.

Window grouping are permitted, provided there is a distinct separating between the windows of at least 4.5 inches. Pre-fabricated window groupings are not acceptable.

- D. Wood frame construction, or brick.
- E. Varied wall surfaces, predominately horizontal wood siding, patterned shingles.
- F. Decorative "gingerbread" style trims are required, especially on porches and at entry ways, such as rows of spindles and knobs, latticework, circular cutouts and curved brackets. Fences, if used, are often cast iron.

2.117.05 Recommended Materials

- A. Architectural Details: Attention to detail is of significant importance. Lighting fixtures, gates, exterior window treatments, use of materials and color must be considered relative to the Victorian period for authenticity and detail.
- B. Awning, Canopies, and Porches: Awning, porches, canopies or other additions to a structure shall be reviewed and approved by the City Planning Staff and shall be compatible with the Victorian era theme. Such additions on corner buildings shall be continuous around the corner.
- C. Benches: Benches should be provided in both public and private

pedestrian areas and walkways. Benches in public areas on private property, adjacent to public right-of-way, shall comply with the Victorian theme.

- D. Building Entrances: Entrances to the building shall be recessed from the sidewalk to provide for any entryway not in conflict with the pedestrian circulation on the sidewalk.
- E. Colors: Primary exterior shades shall be whites, neutrals, earth tones, grays and subdued greens and blues. No bright blues, bright greens, or high intensity reds, yellows or oranges.
- F. Doors: Doors shall be appropriate for the structure and are subject to design review. Any changes in door styles are subject to design review.
- G. Exterior Finishes: Typical materials would be primarily horizontal wood siding. Other acceptable materials include patterned shingles and tiles. Brick or stone masonry provides additional choice of material. Any T-111 siding and rough sawn unfinished plywood is prohibited. Aluminum and vinyl siding is prohibited.
- H. Landscaping: Site landscaping shall be consistent with the over-all Victorian design theme and shall also comply with the applicable provisions in Section 2.207.
- I. Lighting: Lighting shall be low intensity, shaded, subject to review and shall be compatible with the Victorian theme. No fluorescent lighting may be exposed.
- J. Public Art: All sculpture and visual art displayed for the public in the CV zone and located on the exterior of a building or on grounds outside of a building shall be subject to architectural theme design and site plan approval to insure compatibility with the Victorian theme.
- K. Roofs: Sawn cedar shingles, slate, architectural grade shingles shall be the standard. Also any man-made or manufactured products, made to look like the standard.
- L. Roof, Mechanical Equipment and Satellite Dishes: Such equipment shall be screened in a method consistent and integral with the overall architectural appearance of the structure.
- M. Trash Enclosures: Trash enclosures shall be carefully located and treated to integrate with the appearance of the site/building design. The roof pitch and materials shall be consistent with the Victorian

theme and the style of the adjacent buildings. It is recommended that placement of the enclosures be combined with neighboring properties where reasonably possible.

- N. Windows: Wood and vinyl are the standard.



## CHAPTER 2.200 -GENERAL DEVELOPMENT STANDARDS

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## **2.201 GENERAL PROVISIONS**

### **2.201.01 Purpose**

The purpose of this Section is to:

- A. Carry out the Comprehensive Plan with respect to development standards and policies.
- B. Insure that natural features of the landscape, such as land forms, natural drainage-ways, trees and wooded areas, are preserved as much as possible and protected during construction.
- C. Promote energy conservation and efficiency in development through site planning and landscaping.
- D. Promote and maintain healthy environments and minimize development impacts upon surrounding properties and neighborhoods.

### **2.201.02 Application of Standards**

- A. The standards set forth in Section 2.200 shall apply partitions; subdivisions; planned unit developments; commercial and industrial projects; single family dwellings, duplexes, and multi-family structures of three (3) or more dwellings.

Development outside the City which will tie into or take access from City streets, or increase the flow or change the point of discharge to the City storm drainage system shall be subject to the improvement standards set forth in this Ordinance to the extent necessary to mitigate the impacts to these systems.

- B. The application of these standards to a particular development shall be modified as follows:

LIIDevelopment standards which are unique to a particular use, or special use, shall be set forth within the district or in Section 2.300.

LIIThose development standards which are unique to a particular district shall be set forth in the Section governing that district.

- C. No public works construction permit shall be issued until an agreement is executed between the developer and the City specifying the period within which required improvements and repairs shall be completed, as well as referencing the terms and

conditions under which the City has approved the development. The agreement shall be in the form acceptable to the City Attorney.

## 2.201.03 Application of Public Facility Standards

Standards for the provision and utilization of public facilities or services available within the City of Dundee shall apply to all land developments in accordance with the following table of reference. No development permit shall be approved unless the following improvements are provided for prior to occupancy or operation, or unless future provision is assured in accordance with Subsection 3.201.02.

Public Facilities Improvement Requirements Table

Land Use Activity	Fire Hydrant	Street Improvement	Water Hookup	Sewer Hookup	Storm Drain	Street Lights	Bike and Pedestrian
Single Family Home & Duplex	No	C-2	Yes	Yes	Yes	No	No
Multi-Family Dwelling	C-1	Yes	Yes	Yes	Yes	Yes	Yes (4+ units)
New Commercial Building	C-1	Yes	Yes	Yes	Yes	Yes	Yes
Commercial Expansion	C-1	C-3	Yes	Yes	Yes	Yes	No
New Industrial Building	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Industrial Expansion	C-1	C-3	Yes	Yes	Yes	Yes	No
Major, Minor Partition Subdivisions, PUD & Mobile home Park	C-1	Yes	Yes	Yes	Yes	Yes	Yes

Legend: No = Not required Yes = Required C = Conditional, as noted:

C = Conditional, as noted:

### C-1. Fire Hydrants for Commercial, Industrial Expansions, or Multifamily Uses

One or more fire hydrants are required as per the Uniform Building Code and Uniform Fire Code or if adequate fire flows are not available to the site. If the existing water lines are insufficient to provide adequate fire flows, water lines shall be upgraded to provide sufficient capacity.

### C-2. Street Improvements for Single-Family Dwellings

New single-family dwellings which require a street extension must provide

street improvements to City street standards. For new single family homes on unimproved right-of-ways a minimum 20 feet of paving shall be required. The paving shall comply with City Public Works standards and begin at the end of the existing street improvement and extend to the farthest point on the property fronting the right-of-way.

### C-3. Street Improvements for Commercial or Industrial Expansions

Lots fronting on County roads must obtain access permits from the Yamhill County Public Works Department.

The City will require improvement to full City standards when the use meets any of the following criteria:

- a. The expanded use generates an average of 100+ trips per day as documented in the Trip Generation Manual of the Institute of Transportation Engineers or other qualified source; or
- b. The expanded use includes at least weekly shipping and delivery trips by vehicles over 20,000 pounds gross vehicle weight.
- c. The subject use expands by at least 25%.

## 2.201.04 Design Standards

The design of all improvements within existing and proposed rights-of-way and easements, all improvements to be maintained by the City, and all improvements for which City approval is required, shall comply with the requirements of the most recently adopted Engineering Design Standards of the City of Dundee. Construction of all public street, sidewalks, and other public utilities shall comply with the minimum requirements of the most recently adopted Public Works Construction Standards of the City of Dundee.

## **2.202 STREET STANDARDS**

### **2.202.01 Purpose**

- A. To provide for safe, efficient, and convenient vehicular movement in the City of Dundee.
- B. To provide adequate access to all proposed and anticipated developments in the City of Dundee.
- C. To provide adequate area in all public rights-of-way for sidewalks, sanitary sewers, storm sewers, water lines, natural gas lines, power lines, and other utilities commonly and appropriately placed in such rights-of-way.
- D. For purposes of this section:
  - 1. “Adequate access” means direct routes of travel between destinations; such destinations may include residential neighborhoods, parks, schools, shopping areas, and employment centers.
  - 2. “Adequate area” means space sufficient to provide all required public services to Standards defined in this code or the City’s most current public works standards.

### **2.202.02 Scope**

The provisions of this Section shall be applicable to:

- A. The creation, dedication, or construction of all new public or private streets, bikeways, or accessways in all subdivisions, partitions, or other developments in the City of Dundee.
- B. The extension or widening of existing public or private street rights-of-way, easements, or street improvements including those which may be proposed by an individual or the City, or which may be required by the City in association with other development approvals.
- C. The construction or modification of any utilities, sidewalks, or bikeways in public rights-of-way or private street easements.
- D. The planting of street trees or other landscape materials in public rights-of-way.
- E. Developments outside the City which will tie into or take access from City streets.

## 2.202.03 General Provisions

The following provisions shall apply to the dedication, construction, improvement, or other development of all public streets in the City of Dundee. These provisions are intended to provide a general overview of typical minimum design standards. All streets shall be designed in conformance with the specific requirements of the City's most current Public Works standards. In the event of discrepancies between these provisions and the design standards, the Design Standards shall apply.

The standard sections contained in the Engineering Design Standards are minimum requirements only and shall not be construed as prohibiting the City Engineer from requiring thicker sections or engineer designed pavement sections in lieu of standard sections where conditions warrant.

- A. The location, width, and grade of streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed use of the land to be served by the streets.
- B. Where feasible, development proposals shall provide for the continuation of existing streets where necessary to promote appropriate traffic circulation in the vicinity of the development.
- C. Alignment: All streets other than local streets or cul-de-sacs, as far as practical, shall be in alignment with existing streets by continuation of the centerlines thereof. The staggering of street alignments resulting in "T" intersections shall, wherever practical, be avoided. If unavoidable, the "T" intersection shall leave a minimum distance of 200 feet between the center lines of streets having approximately the same direction. A "T" intersection having less than a 200-foot separation from the center line of another street shall be subject to the review and approval of the City Engineer.
- D. Future extension of streets: Where necessary to give access to or permit a satisfactory future development of adjoining land, streets, bikeways and accessways shall be extended to the boundary of a tract being developed and the resulting dead-end streets may be approved without turn-a-rounds. Reserve strips and streets plugs may be required to preserve access.
- E. Intersection angles: Streets shall be laid out to intersect at angles as near to right angles as practical except where topography requires a lesser angle, but in no case shall the acute angle be less than 60 degrees unless there is a special intersection design. The intersection of an arterial or collector street with another street shall have at least 100 feet of tangent adjacent to the intersection unless topography requires a lesser distance. Other streets, except alleys, shall have at least 50 feet of tangent adjacent to the intersection unless topography requires a lesser distance. Intersections which contain an acute angle of less than 80 degrees or which include an

arterial street shall have a minimum corner radius sufficient to allow for a minimum curb radius of 25 feet and maintain a uniform width between the roadway and the right-of-way line.

F. Existing Streets

1. Minimum 3/4 street improvements to all existing streets adjacent to, within or necessary to serve the property, shall be required at the time of partitioning or development, unless the applicant demonstrates to the satisfaction of the City Engineer that the condition and sections of the existing streets meet City standards and are in satisfactory condition to handle projected traffic loads. Storm water drainage shall be provided for on the non-curb side of 3/4 street improvements as required by the City Engineer. In cases where the property within a subdivision or development fronts both sides of an existing street, full street improvements shall be required.
2. The City may allow the applicant to record an approved "Waiver of Rights to Remonstrance for Streets and Public Utility Improvements" in lieu of street improvements where the following criteria are met:
  - a. The contiguous length of the existing street to be improved (including the portion of the existing streets which must be improved to serve the development) is less than 250 feet, and
  - b. The existing roadway condition and sections are adequate to handle existing and projected traffic loads, and
  - c. Existing public utilities (water, sanitary sewer and storm sewer) located within the existing roadway are adequate, or can be improved without damaging the existing roadway surface.
3. In lieu of the street improvement requirements outlined under Section 2.202.04 (F)(1) above, the Planning Commission, under Type II procedure, may elect to accept from the applicant monies to be placed in a fund dedicated to the future reconstruction of the subject street(s). The amount of monies deposited with the City shall not be greater than one hundred percent (100%) of the estimated cost of the 3/4 street improvements (including associated storm drainage improvements). Cost estimates shall be based from a preliminary design of the reconstructed street provided by the applicant's engineer and shall be approved by the City Engineer. If the City Council elects to accept these monies in lieu of the street improvements, the applicant shall also record against all lots or parcels a "construction Deferral Agreement and Waiver of Rights to Remonstrance for Street and Storm Drainage Improvements" approved by the City Attorney. The construction deferral agreement



should be worded such that the subject properties will be responsible for paying a minimum of fifty percent (50%) of the costs of the future street and storm drainage improvements to the subject streets minus the value (at the time the street is constructed) of the money deposited with the City by the applicant plus any accumulated interest, e.g., (50%- (deposit +interest)). A Separate "Waiver of Rights to Remonstrance" may be required for the future improvement of other public utilities.

G. New Streets

Where new streets are created by a subdivision or major partition, full street improvements shall be required. Three-quarter streets may be approved in lieu of full street improvements when the City finds it to be practical to require the completion of the other 1/4 street improvement when the adjoining property is developed. 3/4 street improvements may be allowed by the City if all of the following criteria are met:

1. The adjoining land abutting the opposite side of the street is undeveloped and
2. The adjoining land abutting the opposite side of the street is within the City Limits and the Urban Growth Boundary and,
3. Storm water drainage is provided for on the non-curbed side of 3/4 street improvements in areas judged by the City Engineer to have drainage concerns.

H. Cul-de-sacs: Cul-de-sacs shall have maximum lengths of 400 feet and serve no more than 18 dwelling units. All cul-de-sacs shall terminate with circular turn-a-rounds.

I. Street Names: Street names and numbers shall conform to the established pattern in the City and shall be subject to the approval of the City. Street names shall be required for all new publicly dedicated streets and private streets.

J. Grades and Curves: Grades shall not exceed 8 percent on arterials, 10 percent on collectors, or 12 percent on any other public or private street. To provide for adequate drainage, all streets shall have a minimum slope of 0.5 percent. Center line radii of curves shall not be less than 300 feet on major arterials, 200 feet on minor arterials, or 100 feet on other streets, and shall be to an even ten (10) feet. On arterials there shall be a tangent of not less than 100 feet between reversed curves. Where existing conditions, particularly topography, make it otherwise impractical to provide buildable lots, the Planning Commission may accept steeper grades and sharper curves.

- K. **Marginal Access Streets:** If a development abuts or contains an existing or proposed arterial street, the City may require marginal access streets, reverse frontage lots with suitable depth, screen planting contained in a non-access reservation along the rear or side property line, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
- L. **Clear Vision Areas:** Clear vision areas shall be maintained on corner lots at the intersection of all public streets and at the intersections of a public street with a private street as outlined in Section 2.209.08.

## 2.202.04 General Right-of-Way and Improvement Widths

The following standards apply to public streets, bikeways and sidewalks in the City of Dundee. These standards shall be the minimum requirements, except where modifications are permitted under Subsection 2.204.05.

Street Classification	Minimum R-O-W (a)	Median Type	Street Improvement (ft)	Travel Lanes	Bike Lanes	Sidewalk	On-Street Parking	Planter Strip
Statewide Expressway (b)	120-150	Separated		4	Yes	No	No	ODOT
Arterials	ODOT	CL or Median	ODOT	ODOT	Yes	Yes	ODOT	ODOT
Collectors	60	Median, no CL	36	2	Yes	Yes	(c)	(c)
Parkway Collector (d)	70	No median	48	2	Yes	Yes	One-side	Yes
Local - I (e)	50	No median	28	2	No	Yes	One-side	No
Local II - (e)	50	No median	34	2	No	Yes	Yes	No
Cul-de-sacs	50	No median	34	2	No	Yes	Yes	No
Turnaround Radii	45	No median	38	NA	No	Yes	Yes	No
Alleys	15	No median	12	NA	No	No	No	No

- (a) Additional right-of-way may be necessary due to topographical constraints or to accommodate additional left- or right-turn lanes at intersections.
- (b) This classification reflects the design elements currently under consideration in the NDTIP process.
- 1.Improvements must comply with provisions in the Dundee TSP. Where on-street parking is provided, the bicycle lane shall be shared with the traffic lane. Planter strips shall be installed when no on-street parking is provided.
  - 2.This classification shall reflect the design element contained in the Dundee TSP.
  - 3.The Local I shall be the standard for the City of Dundee, and shall be subject to the following:
    - i. The subject local streets shall connect with other streets and not terminate in a cul-de-sac. The street may “dead-end” provided there is potential to continue the connection through the adjacent property.

- ii. Subdivisions and other developments using these standards shall be limited to blocks with a maximum of 400 feet in length.
- iii. The street grade shall not exceed 4% for the length of the street.
- iv. The Dundee Fire Chief shall provide evidence that the street layout is capable of accommodating the largest emergency vehicle in the Fire Department. This determination shall consider on-street parking plans, curve radii and similar street design issues.
- v. The narrower street shall not be used to extend existing streets that contain wider right-of-ways and/or street improvements.

The developer shall construct the street to a Local II standard if the proposed local street improvement cannot meet all of the requirements noted above.

ODOT = This is an ODOT facility and the final design authority rests with ODOT.

NA = Not applicable.

CL = Center Lane.

#### 2.202.05 Modification of Right-of-Way and Improvement Width

The City, pursuant to the review procedures of Section 3.203, may allow modification to the public street standards of Subsection 2.202.04, when both of the following criteria are satisfied:

- A. The modification is necessary to provide design flexibility in instances where:
  - 1. Unusual topographic conditions require a reduced width or grade separation of improved surfaces; or
  - 2. Parcel shape or configuration precludes accessing a proposed development with a street which meets the full standards of Section 2.202.04; or
  - 3. A modification is necessary to preserve trees or other natural features determined by the City to be significant to the aesthetic character of the area; or
  - 4. A Planned Unit Development is proposed and the modification of street standards is necessary to provide greater privacy or aesthetic quality to the development.
- B. Modification of the standards of Section 2.202.04 shall only be approved if the City finds that the specific design proposed provides adequate vehicular access based on anticipated traffic volumes.

#### 2.202.06 Private Streets

Streets and other right-of-ways serving a subdivision or planned unit development

that are not dedicated for public use shall comply with the following:

- A. Private streets shall only be allowed where the applicable criteria of Section 2.208.03 (C) are satisfied. Private streets shall have a minimum easement width of 25 feet and a minimum paved or curbed width of 20 feet.
- B. Unless otherwise specified in the Engineering Design Standards, all private streets serving more than two dwelling units shall be constructed to the same pavement section specifications required for public streets. Provision for the maintenance of the street shall be provided in the form of a maintenance agreement, home owners association, or other instrument acceptable to the City Attorney.
- C. A turn-around shall be required for any private residential street which has only one outlet and which is in excess of 150 feet long or which serves more than two residences. Non-residential private streets serving more than one ownership shall provide a turn-around if in excess of 200 feet long and having only one outlet. Turn-arounds for private streets shall be circular with a minimum paved radius of 35 feet.
- D. The City may require provision for the dedication and future extension of a public street.

#### 2.202.07 Partition Access Easements

A private access easement created as the result of an approved partitioning shall conform to the following.

- A. Partition access easements shall only be allowed where the applicable criteria of Section 2.208.03 (C) are satisfied. The easement shall comply with the following standards:
  - 1. Minimum width: 25 feet
  - 2. Minimum paved or curb to curb width: 20 feet
  - 3. Maximum length: 250 feet
  - 4. No more than 3 dwelling units shall have direct access to the easement
- B. Unless otherwise specified in the Engineering Design Standards, all private streets serving more than two dwelling units shall be constructed to the same pavement section specifications required for public streets. Provision for the maintenance of the street shall be provided in the form of a maintenance agreement, home owners association, or other instrument acceptable to the City Attorney.
- C. A turn-around shall be required for any access easement which has only one

outlet and which is in excess of 150 feet long or which serves more than two residences. Turn-arounds shall be circular with a minimum paved radius of 35 feet.

- D. All private access easements serving more than two (2) residences shall be designated as fire lanes and signed for no parking.

2.202.08 Access Management

Driveway, street, and alley access to streets shall be separated by the following distances:

Street Classification	Access Spacing
Arterial	150 feet (+/- 20%)
Collector	75 feet
Local	15 feet

## **2.203 OFF-STREET PARKING AND LOADING**

### **2.203.01 Purpose**

The purpose of this Section is to provide adequate areas for the parking, maneuvering, loading and unloading of vehicles for all land uses in the City of Dundee.

### **2.203.02 Scope**

Development of off-street parking and loading areas for commercial, industrial, or multi-family development shall be subject to the Site Development procedures of Section 3.105 and shall be reviewed pursuant to Section 3.203.

The provisions of this Section shall apply to the following types of development:

- A. Any new building or structure erected after the effective date of this Ordinance.
- B. The construction or provision of additional floor area, seating capacity, or other expansion of an existing building or structure.
- C. A change in the use of a building or structure which would require additional parking spaces or off-street loading areas under the provisions of this Section.
- D. As a condition of approval in a land use decision.

### **2.203.03 Location**

Off-street parking and loading areas shall be provided on the same lot with the main building or structure or use except that:

- A. In any residential zone, automobile parking areas for dwellings and other uses permitted in a residential zone may be located on another lot if such lot is within 200 feet of the lot containing the main building, structure or use;
- B. In any non-residential zone, the parking area may be located off the site of the main building, structure or use if it is within 500 feet of such site.

### **2.203.04 Joint Use**

Parking area may be used for a loading area during those times when the parking area is not needed or used. Parking areas may be shared subject to City approval for commercial and industrial uses where hours of operation or use are staggered such that peak demand periods do not occur simultaneously. The requirements of Subsection 2.203.05 may be reduced accordingly. Such joint use shall not be

approved unless satisfactory legal evidence is presented which demonstrates the access and parking rights of parties.

#### 2.203.05 Off-Street Automobile Parking Requirements

Off-street parking shall be provided as required by Section 2.203.08 and approved by the City in the amount not less than listed below.

##### Residential

- |    |  |                                       |
|----|--|---------------------------------------|
| A. | 1 and 2 family dwellings, including manufactured homes | 2 spaces per dwelling unit            |
| B. | Multi-family dwellings                                 | 1 1/2 spaces per dwelling unit        |
| C. | Boarding house, lodging house, or rooming house        | 1 space per 2 guest accommodations    |
| D. | Fraternity, sorority, and group living units           | 1 space per 2 sleeping accommodations |
| E. | Dormitory  | 1 space per sleeping room             |

### Public Land Use

- |    |   |                        |
|----|---|------------------------|
| A. | Convalescent hospital, nursing home, sanitarium, rest home, home for the aged | 1 space per 2 beds     |
| B. | Hospital  | 3 spaces per 2 beds    |
| C. | Library, reading room   | 1 space per 300 s.f.   |
| D. | Preschool nursery, kindergarten   | 2 spaces per classroom |
| E. | Elementary or Junior High School  | 2 spaces per classroom |



- |    |  |  |
|----|--|--|
| F. | High School  | 5 spaces per classroom                           |
| G. | Other places of public assembly,<br>including churches | 1 space per 4 seats or 8<br>feet of bench length |

Commercial Land Use

- |    |  |  |
|----|--|--|
| A. | Movie Theater, Theater   | 1 space per 4 seats or 8<br>feet of bench length     |
| B. | Amusement and Recreational<br>Services   | 1 space per 250 s.q. ft. of<br>gross floor area      |
| C. | Retail store   | 1 space per 300 s.q. ft. of<br>gross floor area      |
| D. | Service or repair shop, retail<br>store handling exclusively bulky<br>merchandise such as<br>automobiles and furniture | 1 space per 900 s.f. of<br>gross floor area          |
| E. | Banks and other Financial<br>institutions  | 1 space per 300 s.f. of<br>gross floor area          |
| F. | Offices and services   | 1 space per 300 s. f. of<br>gross floor area         |
| G. | Medical or dental office   | 1 space per 300 s.f. of<br>gross floor area          |
| H. | Mortuary   | 6 spaces for each room<br>used as a parlor or chapel |

- I. Motel or hotel 1 space per guest room
- J. Restaurant 1 space per 250 s.f. of gross floor area

#### Industrial Land Use

- A. Manufacturing establishment 1 space per 0.75 employees plus 1 space per 2,500 s.f. of gross floor area
- B. Wholesale establishment, warehouse, rail or truck freight terminal 1 space per 2,000 s.f. of gross floor or storage area

#### B. Bicycle Parking

1. Minimum Space Requirements. The following bicycle parking standards shall apply. Installation of the spaces shall correspond with the required installation of new, or additional, vehicle parking improvements.

#### **Bicycle Parking Spaces**

Type of Use	Minimum Number of Spaces
Single Family Residential or Duplex	0
Multifamily	1 space per two dwelling units
Hotel, motel	1 space per 20 guest rooms
Club, lodge	1 space per 20 vehicle spaces
Hospital, nursing facility	1 space per 20 vehicle spaces
Church, auditorium	1 space per 20 vehicle spaces
Elementary, middle school	8 spaces per classroom
High school	2 spaces per classroom
Retail, office, government offices	1 space per 20 vehicle spaces
Bowling alley, rink, community center	1 space per 20 vehicle spaces
Eating and drinking establishment	1 space per 20 vehicle spaces

Service retail, retail involving bulky merchandise (furniture, lumber)	1 space per 30 vehicle spaces
Industrial, warehousing	1 space per 30 vehicle spaces
Other uses	Requirements for uses not identified shall be determined by the decision authority based upon requirements of comparable uses in this Section.

2. Minimum Development Requirements: At a minimum, bicycle parking facilities shall be consistent with the following design guidelines.
  - a. Location. All bicycle parking shall be within 100 feet from a building entrance; located within a well-lighted area; and clearly visible from the building entrance.
  - b. Bicycle parking shall be convenient and easy to find. Where necessary, a sign shall be used to direct users to the parking facility.
  - c. Each bicycle parking space shall be at least 2 feet by 6 feet with a vertical clearance of 6 feet.
  - d. An access aisle of at least 5 feet in width shall be provided in each bicycle parking facility.
  - e. Bicycle parking facilities shall offer security in the form of either a lockable enclosure in which the bicycle can be stored or a stationary object; i.e., a "rack," upon which the bicycle can be locked. Structures that require a user supplied lock shall accommodate both cables and U-shaped locks and shall permit the frame and both wheels to be secured (removing the front wheel may be necessary).
  - f. Whenever bicycle parking is provided for employees on a "work shift" it shall be sheltered, i.e., covered, from the weather or employees shall be provided access to a secure room within a building for bicycle parking.

#### 2.203.06 Standards For Disabled Person Parking Spaces

The number of spaces shall comply with the following. Striping and signing of the handicap space(s) shall conform with the Oregon Transportation Commission's standards.

<u>Total in Parking Lot</u>	<u>Required Minimum Number of Accessible Spaces</u>
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2% of total
1001 and over	20 plus 1 for each 100 over 1000

#### 2.203.07 Off-Street Loading Requirements

Buildings or structures to be built or substantially altered which receive and distribute materials and merchandise by trucks shall provide and maintain off-street loading berths in sufficient number and size to adequately handle the needs of the particular use.

- A. The following standards shall be used in establishing the minimum number of berths required:

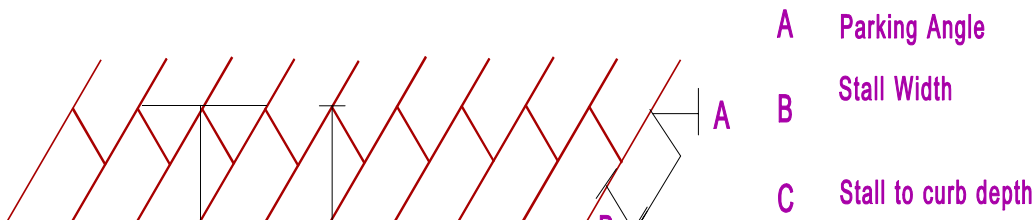
<u>Gross Floor Area</u>	<u>Number of Berths</u>
Up to 10,000 s.f.	1
10,000 s.f. and over	2

Note: For buildings or structures up to 6,000 s.f., regular off-street parking areas may be used to meet the off-street loading requirements.

- B. A loading berth shall contain a space a minimum of 12 feet wide and 35 feet long and have a vertical clearance of 14 feet. Where the vehicles generally used for loading and unloading exceed these dimensions, the required size of these berths shall be increased.

# OffStreet Parking Dimensions

Stall width dimensions may be distributed as follows: 60% standard spaces,  
40% compact spaces. All compact spaces shall be labeled.



OFF-STREET PARKING MATRIX  
Minimum Parking Space and Aisle Dimensions (ft)  
One Way Traffic Flow

Compact							Standard					
A	B	C	D	E	F	G	B	C	D	E	F	G
0°	8.5	8.5	12.0	19.0	28.0	-	9.0	9.0	12.0	22.0	28.0	-
30°	8.5	15.4	12.0	17.0	41.7	34.4	9.0	17.3	12.0	18.0	45.6	37.8
45°	8.5	17.3	13.0	12.0	47.6	41.6	9.0	19.8	13.0	12.7	52.6	46.2
60°	8.5	18.1	18.0	9.8	54.2	50.0	9.0	21.0	18.0	10.4	60.0	55.7
70°	8.5	17.9	19.0	9.0	54.9	52.0	9.0	21.0	19.0	9.6	61.0	57.8
90°	8.5	16.0	24.0	8.5	56.0	56.0	9.0	19.0	24.0	9.0	62.0	62.0

## 2.203.08 Parking and Loading Area Development Requirements

All parking and loading areas, except those for single- family dwellings, shall be developed and maintained as follows:

- A. Surfacing: All driveways, parking, and loading areas shall have a durable, hard surface. In residential areas, either a minimum of 2 inches of asphalt over a 6 inch aggregate base or 6 inches of Portland cement concrete over a 2 inch aggregate base shall be provided. In commercial and industrial areas either a minimum of 3 inches of asphalt over an 8 inch aggregate base or 6 inches of Portland cement concrete over 2 inches of aggregate base shall be provided.
- B. Size of parking spaces and driveways: The following standards shall apply to all parking areas and driveways:
- C. Screening: When any public parking or loading area is within or adjacent to a residential zone, such parking or loading area shall be screened from all residential properties with an ornamental fence, wall, or hedge a minimum of six (6) feet in height. Along alleys, the fence, wall, or hedge shall be a minimum of four (4) feet in height.
- D. Lighting: Any light used to illuminate a parking or loading area shall be arranged to be directed entirely onto the loading or parking area, shall be deflected away from any residential use and shall not cast a glare or reflection onto moving vehicles on public rights-of-way.

- E. Areas used for parking and maneuvering of vehicles shall be drained as to avoid flow of water across sidewalks.
- F. Except for parking to serve residential uses, parking and loading areas adjacent to residential zones or adjacent to residential uses shall be designed to minimize disturbance of residents.
- G. Groups of more than four parking spaces shall be so located and served by a driveway that their use will require no backing movements or other maneuvering within a street right-of-way other than an alley.
- H. Service drives to off-street parking areas shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress and the maximum safety of pedestrians and vehicular traffic on the site.
- I. Service drive exits shall have a minimum vision clearance area formed by the intersection of the driveway centerline, the street right-of-way line, and a straight line joining said lines through points 20 feet from their intersection.
- J. Parking spaces along the outer boundaries of a parking area shall be contained by a curb or a bumper rail at least 4" high, located a minimum of 3 feet from the property line, to prevent a motor vehicle from extending over an adjacent property or a street.

#### 2.203.09 General Provisions Off-Street Parking and Loading

- A. The provision and maintenance of off-street parking and loading space is a continuing obligation of the property owner. No building permit shall be issued until plans are presented that show an area that is and will remain available for exclusive use as off-street parking and loading space. The subsequent use of property for which the building permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by this ordinance. Should the owner or occupant of any lot or building change the use to which the lot or building is put, thereby increasing off-street parking and loading requirements, it shall be unlawful and a violation of this ordinance to begin or maintain such altered use until such time as the increased off-street parking and loading

requirements are observed.

- B. Requirements for types of buildings and uses not specifically listed herein shall be determined by the City Recorder based upon the requirements of comparable uses listed and expectations of parking and loading need.
- C. In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately, unless a reduction is approved for shared parking pursuant to Section 2.203.04.
- D. Required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons, and employees only, and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business or use.

#### 2.203.10 Parking Lot Landscaping and Screening Standards

- A. All parking lots, which for purposes of this section include areas of vehicle maneuvering, parking, and loading, shall be landscaped and screened as follows:
  - 1. Screening Abutting Property Lines: Parking for commercial, industrial and multifamily uses which abut a property line adjacent to a residential district shall be screened by a five (5) foot landscaped strip. Where screening between zones is required, the screening shall be incorporated into the required buffer strip, and will not be additional requirement. The screen shall grow to be at least 36 inches higher than the finished grade of the parking areas, except for required vision clearance areas, the screen height may be achieved by a combination of earth mounding and plant materials. Elevated parking lots shall screen both the parking and the retaining wall.
  - 2. Landscape Standards: Landscaping within or adjacent to a parking lot shall consist of a minimum of 6% of the total parking area plus a ratio of 1 tree per 15 parking spaces. Trees and landscaping shall be installed as follows:
    - a. The tree species shall be an appropriate large canopied shade tree and shall be selected from



the street tree list to avoid root damage to pavement and utilities, and damage from droppings to parked cars and pedestrians.

- b. The tree shall be planted in a landscaped area such that the tree bole is at least three (3) feet from any curb or paved area.
  - c. The landscaped area shall be planted with shrubs, grass, or living ground cover to assure 80% coverage within 2 years.
  - d. That portion of a required landscaped yard, buffer strip or screening strip abutting parking stalls may be counted toward required parking lot landscaping as long as the tree species, living plant material coverage and placement distribution criteria are also met.
  - e. Landscaping should be evenly distributed throughout the parking area and perimeter.
4. Wheel Guards: Parking lot landscaping shall be protected from damage by a secured wheel guards to prevent vehicles entering into landscaped areas.
5. Hedge Screening: The required hedge screen shall be installed as follows:
- a. Evergreen shrubs shall be planted so that 80% of the desired screening is achieved within 2 years, 100% within 4 years.
  - b. Living ground cover in the screen strip such that 80% coverage is achieved within 2 years.

## **2.204 STORM DRAINAGE**

### **2.204.01 Purpose**

To provide for the drainage of surface water from all residential, commercial and industrial development; to minimize erosion; to reduce degradation of water quality due to sediments and pollutants in storm water runoff.

### **2.204.02 Scope**

- A. The provisions of this Section shall apply to all new residential land partitions and subdivisions, planned unit developments, multi-family developments, commercial developments, and industrial developments; and to the reconstruction or expansion of such developments, including development outside the City which increase the flow or change the point of discharge to the City storm drainage system.
- B. The provisions of this Section shall apply to all drainage facilities which impact any public storm drain system, public right-of-way or easement dedicate to or located within all off-street parking and loading areas.
- C. All storm water runoff shall be conveyed to a public storm sewer or natural drainage channel having adequate capacity to carry the flow without overflowing or otherwise causing damage to public and/or private property. In the case of private development, the developer shall pay all costs associated with designing and constructing the facilities necessary to meet this requirement.

### **2.204.03 Plan for Storm Drainage and Erosion Control**

- A. No construction of any facilities in a development included in Subsection 2.204.02 shall be permitted until a storm drainage and erosion control plan for the project is prepared by an engineer registered in the State of Oregon and approved by the City. This plan shall contain at a minimum:
  - 1. The methods to be used to minimize the amount of runoff, siltation, and pollution created from the development both during and after construction.
  - 2. Plans for the construction of storm sewers, open drainage channels, and other facilities which depict line sizes, profiles, construction specifications, and other such information as is necessary for the City to review the adequacy of the storm drainage plans.

3. Design calculations shall be submitted for all drainage facilities. These drainage calculations shall be included on the site plan drawings and shall be stamped by a licensed professional engineer in the State of Oregon. Peak design discharges shall be computed using the rational formula and based upon the design criteria outlined in the Public Works Design Standards for the City.

#### 2.204.04 General Standards

- A. All development shall be planned, designed, constructed and maintained to:
  1. Protect and preserve existing natural drainage channels to the maximum practicable extent;
  2. Protect development from flood hazards;
  3. Provide a system by which water within the development will be controlled without causing damage or harm to the natural environment, or to property or persons within the drainage basin;
  4. Assure that waters drained from the development are substantially free of pollutants, through such construction and drainage techniques as sedimentation ponds, reseeded, phasing of grading;
  5. Assure that waters are drained from the development in such a manner that will not cause erosion to any greater extent than would occur in the absence of development;
  6. Provide dry wells, french drains, or similar methods, as necessary to supplement storm drainage systems;
  7. Avoid placement of surface detention or retention facilities in road rights-of-way.
- B. Where culverts cannot provide sufficient capacity without significant environmental degradation, the City may require the water course to be bridged or spanned.
- C. In the event a development or any part thereof is traversed by any water course, channel, stream or creek, gulch, or other natural drainage channel, adequate easements for storm drainage purposes shall be provided to the City. This does not imply maintenance by the City.

- D. Channel obstructions are not allowed except as approved for the creation of detention or retention facilities approved under the provisions of this Ordinance. Fences with swing gates may be utilized.
- E. Prior to acceptance of a storm sewer system by the City, the storm sewers shall be flushed and inspected by the City. All costs shall be borne by the developer.

## **2.205 UTILITY LINES AND FACILITIES**

### **2.205.01 Purpose**

To provide adequate services and facilities appropriate to the scale and type of development.

### **2.205.02 Standards**

- A. The design of all improvements within existing and proposed rights-of-way and easements, all improvements to be maintained by the City, and all improvements for which City approval is required, shall comply with the requirements of the most recently adopted Public Improvements Design Standards of the City of Dundee. Construction specifications for all public utilities shall comply with the minimum requirements of the most recently adopted Public Works Construction Standards of the City of Dundee.
- B. The location, design, installation and maintenance of all utility lines and facilities shall be carried out with minimum feasible disturbances of soil and site. Installation of all proposed public and private utilities shall be coordinated by the developer and be approved by the City to ensure the orderly extension of such utilities within public right-of-way and easements.
- C. Standards for Water Improvements
  - 1. All developments shall be required to be linked to existing water facilities adequately sized to serve their intended area by the construction of water distribution lines, reservoirs and pumping station which connect to such water service facilities. All necessary easements required for the construction of these facilities shall be obtained by the developer and granted to the City pursuant to the requirements of the City.
  - 2. Specific location, size and capacity of such facilities will be subject to the approval of the Director of Public Works with reference to the applicable Water Master Plan. All water facilities shall conform with existing City pressure zones and shall be looped where necessary to provide adequate pressure and fire flows during peak demand at every point within the system in the development to which the water facilities will be connected. The City will not expect the developer to pay for the extra pipe material cost for waterlines exceeding eight (8) inches in size. Installation costs shall remain entirely the developer's responsibility.

3. The design of the water facilities shall take into account provisions for the future extension beyond the development to serve adjacent properties which, in the judgment of the City, cannot be feasibly served otherwise.
4. Design, construction and material standards shall be as specified by the Director of Public Works for the construction of such public water facilities in the City.

D. Standards for Sanitary Sewer Improvements

1. All developments shall be required to be linked to existing sanitary sewer collection facilities adequately sized to serve their intended area by the construction of sewer lines which connect to existing adequately sized sewer facilities. All necessary easements required for the construction of these facilities shall be obtained by the developer and granted to the City pursuant to the requirements of the City.
2. Specific location, size and capacity of such facilities will be subject to the approval of the Director of Public Works with reference to the applicable Sewer Master Plan. All sewer facilities shall be sized to provide adequate capacity during peak flows from the entire area potentially served by such facilities. The City will not expect the developer to pay for the extra pipe material cost for sanitary sewer lines exceeding twelve (12) inches in size. Installation costs shall remain entirely the developer's responsibility.
3. All properties shall be provided with gravity sanitary sewer service to a public sanitary sewer system except for parcels which have unique topographic or other natural features which make gravity sewer extension impractical as determined by the City Engineer. Pumping stations are generally not permitted, and will only be allowed when it has been demonstrated to the satisfaction of the Director of Public Works and the City Engineer that the development cannot be served by gravity.
4. Temporary sewer service facilities, including pumping stations, will be permitted only if the temporary facilities, including all facilities necessary for transition to permanent facilities, are approved by the Director of Public Works.
5. The design of the sewer facilities shall take into account provisions for the future extension beyond the development to serve upstream properties which, in the judgment of the City, cannot be feasibly served otherwise.

6. All land divisions or other developments requiring subsurface sanitary sewer disposal systems shall be prohibited.
  7. Design, construction and material standards shall be as specified by the Director of Public Works for the construction of such sewer facilities in the City.
  8. Prior to acceptance of the sanitary sewer system by the City, the sewers shall be flushed and inspected by the City as required by the Public Works Design Standards or the Public Works Construction Standards. All costs shall be borne by the developer.
- E. **Street Lights.** All developments shall include underground electric service, light standards, wiring and lamps for street lights according to the specifications and standards of the Director of Public Works. The developer shall install all such facilities and make the necessary arrangements with the serving electric utility for a City-owned and operated street lighting system to be served at the lowest applicable rate available to the City. Upon the City's acceptance of the public improvements associated with the development, the street lighting system, exclusive of utility-owned service lines, shall be and become the property of the City.
- F. All development which has a need for water service shall install water facilities and grant necessary easements pursuant to the requirements of the City.
- G. All development which has a need for public/private sanitary sewers shall install the facilities pursuant to the requirements of the City. Installation of such facilities shall be coordinated with the extension of necessary water services and storm drainage facilities.
- H. All land divisions or other development requiring sub-surface sanitary sewer disposal systems shall be prohibited.
- I. All properties shall be provided with gravity service to the City sanitary sewer system except for parcels which have unique topographic or other natural features which make gravity sewer extension impractical as determined by the City Engineer.
- J. **Private Utilities:** All development which has a need for private utilities, including but not limited to electricity, gas, communication and cable television shall install them pursuant to the requirements of the district or company serving the development.

1. Except as otherwise provided herein, all utility lines, cables or wires, including but not limited to those used for electricity, communication, street lighting, and cable television which are on or adjacent to land partitioned, subdivided or developed within the City of Dundee after the effective date of this Ordinance, shall be required to be placed underground. The intent of the City is that no poles, towers, or other structures associated with utility facilities shall be permitted on any street or lot within or adjacent to such partition, subdivision or development.

2. Exceptions. Above ground facilities shall be permitted for the following in which case the above provisions shall not apply:

a. Emergency installations or electric transmission lines or through feeders operating at distribution voltages which act as a main source of supply to primary lateral and to direct connected distribution transformers and primary loads.

Should it be necessary to increase the capacity of major power transmission facilities for service to the area, such new or revised installations shall be made only on rights-of-way or easements on which existing overhead facilities exist at the time of such capacity increase.

b. Appurtenances and associated equipment such as surface-mounted transformers, pedestal-mounted terminal boxes, meter cabinets, telephone cable closures, connection boxes and the like.

c. Structures without overhead wires, used exclusively for fire alarm boxes, street lights, or municipal equipment installed under the supervision and with the approval of the City Engineer.

d. Power substations, pumping plants, and similar facilities necessary for transmission or distribution of utility services shall be permitted subject to compliance with all zoning regulations and other applicable land use regulations.

Plans showing landscaping and screening shall be approved by the Engineer for all such facilities, prior to any construction being started.

e. Television antenna.



- f. Certain industries requiring exceptionally large power supplies may request direct overhead power as a condition.
  - g. If existing overhead utilities within or adjacent to the development total less than 150 linear feet, the City may allow the applicant to record an approved "Construction Deferral Agreement and Waiver of Rights to Remonstrance for Private utility Improvements" in lieu of relocating existing private utilities underground at the time of development.
- 3. Information on Development Plans. The developer or subdivider shall show on the development plan or in his explanatory information, easements for all underground utility facilities. Plans showing the location of all underground facilities as described herein shall be submitted to the City Engineer for review and approval. Care shall be taken in all cases to ensure that above-ground equipment does not obstruct vision clearance areas for vehicular traffic.
- 4. Future Installations. The owner(s) or contract purchaser(s) of subdivided real property within a subdivision shall, upon conveyance or transfer of any interest including a leasehold interest in or to any lot or parcel of land, provide in the instrument conveying such interest a covenant running with and appurtenant to the land transferred under which grantee(s) or lessee(s), their heirs, successors, or assigns mutually covenant not to erect or allow to be erected upon the property conveyed any overhead utility facilities, including electric, communication, and cable television lines, poles, guys, or related facilities, except such facilities as are exempt from underground installation under this title or are owned or operated by the City. Such covenant shall require grantees to install, maintain, and use underground electric, telephone, cable television, or other utility services used or to be used to serve the premises. A copy of the covenant shall be submitted with the final plats.
- K. Easements for public and private utilities shall be provided as deemed necessary by the City, special districts, and utility companies. Easements for special purpose uses shall be of a width deemed appropriate by the responsible agency. Such easements shall be recorded on easement forms approved by the City and designated on the final plat of all subdivisions and partitions. Minimum required easement width and locations are as follows:

<u>Easement Type</u>	<u>Minimum Width</u>	<u>Location</u>
Water	20 feet	(1)(2)
Sewer	20 feet	(1)(2)
Storm (piped)	20 feet	(1)(2)
Storm (other)		(5)
	(5)	
Private Utility		5 feet (parallel)
		(3)(4)
	10 feet (other)	(1)

- (1) Centered on utility line
- (2) Centered on property line, where possible
- (3) All property lines fronting existing or proposed street rights-of-way
- (4) Measured from edge of right-of-way
- (5) Determined on a case-by-case basis

## **2.206**

## **SIGNS**

### **2.206.01 Purpose**

The purpose of these sign regulations is to help implement the Dundee Comprehensive Plan, to provide equitable signage rights, reduce signage conflicts, promote traffic and pedestrian safety, increase the aesthetic value and economic viability of the city, all by classifying and regulating the location, size, type and number of signs and related matters, in a content-neutral manner.

### **2.206.02 Definitions**

For the purposes of this Chapter, the following definitions shall apply:

Alteration or Altered: Any change in the size, shape, method of illumination, position, location, construction, or supporting structure of a sign. A change in sign copy or sign face alone shall not be considered an alteration.

Area: The area of a sign shall be the entire area within any type of perimeter or border which encloses the outer limits of any writing, representation, emblem, figure, or character. If the sign is enclosed in a frame or cabinet the area is based on the inner dimensions of the frame or cabinet surrounding the sign face. When a sign is on a base material and attached without a frame, such as a wood board or plexiglass panel, the dimensions of the base material are to be used. The area of a sign having no such perimeter, border, or base material shall be computed by enclosing the entire area within a parallelogram or a triangle of the smallest size sufficient to cover the entire message of the sign and computing the area of the parallelogram or a triangle. For the purpose of computing the number of signs, all writing included within such a border shall be considered one sign, except for multi-faced signs on a single sign structure, which shall be counted as one sign per structure. The area of multi-faced signs shall be calculated by including only one-half the total area of all sign faces.

Awning: A shelter supported entirely from the exterior wall of a building and composed of non-rigid materials, except for the supporting framework.

Building Face: The single wall surface of a building facing a given direction.

Building Frontage: The portion of a building face most closely in alignment with an adjacent right-of-way or fronting a parking lot when so defined, as allowed in this chapter. A gasoline service station may use the overhanging canopy as a substitute for building frontage when computing the allowable sign area. The longest side of the canopy shall be used to compute the allowable sign area.

Canopy Sign: A sign hanging from a canopy or eve, at any angle relative to the adjacent wall, the lowest portion of which is at least eight (8) feet above the underlying grade.

Construct: Build, erect, attach, hang, place, suspend, paint in new or different word, affix, or otherwise bring into being.

Finish Ground Level: The average elevation of the ground (excluding mounds or berms, etc. located only in the immediate area of the sign) adjoining the structure or building upon which the sign is erected, or the curb height of the closest street, whichever is the lowest.

Flashing Sign: A sign any part of which pulsates or blinks on and off, except time and temperature signs and message signs allowed by conditional use.

Free-Standing Sign: A sign supported by one or more uprights, poles or

braces placed in or upon the ground, or a sign supported by any structure primarily for the display and support of the sign.

Height: Height is measured from the grade of the curb line lowest to the base of the sign to the highest point of the sign. In the absence of a curb line, the edge of the street pavement shall be used. In the absence of street pavement, the ground level shall be used to measure the height.

Incidental Signs: A sign which is normally incidental to the allowed use of the property, but can contain any message or content. Such signs can be used for, but are not limited to, nameplate signs, warning or prohibition signs, and directional signs not otherwise allowed.

Indirect Illumination: A source of illumination directed toward such sign so that the beam of light falls upon the exterior surface of the sign.

Integrated Business Center: A group of two or more businesses which are planned or designed as a center, and share a common off-street parking area or access, whether or not the businesses, buildings or land are under common ownership.

Internal Illumination. A source of illumination from within a sign.

Joint Use Sign: When two or more businesses combine part or all of their total allowed sign area into free-standing sign for each common frontage of such business.

Message Sign: A sign which can change its message electronically and is designed to display various messages, including but not limited to signs displaying time and temperature.

Multi-faced Sign: A sign which has two (2) or more identical sign faces, contained in a single sign structure.

Mural: An illustration (with or without words or numbers) which is painted or otherwise applied (without projections) to an outside wall of a structure.

Nonconforming Sign: Any sign which lawfully exists prior to the effective date of this chapter but, which due to the requirements adopted herein, no longer complies with the height, area and placement regulations or other provisions of these regulations.

Owner: As used in these regulations, "owner" means owner or lessee of the sign. If the owner or lessee of the sign cannot be determined, then "owner" means owner or purchaser of the land on which the sign is placed.

Portable Sign: Any sign that is not originally designed to be permanently affixed to a building, structure, or the ground. A sign originally designed, regardless of its current modification, to be moved from place to place. These signs primarily include, but are not limited to, A-frame or sandwich board signs, signs attached to wood or metal frames and designed to be self supporting and movable, and also including trailer reader boards. Portable signs are not to be considered temporary signs as defined and used in this



chapter.

Projecting Signs: A sign the face of which is not parallel to the wall on which it is mounted, projecting more than 12 inches from a structure.

Real Estate Sign: A sign for the purpose of rent, lease, sale, etc. of real property, building opportunities, or building space.

Roof Line: Either the eaves of the roof or the top of the parapet, at the exterior wall. (A "mansard roof" is below the top of a parapet and is considered a wall for sign purposes.)

Roof Sign: A sign or any portion of which is displayed above the highest point of the roof, whether or not such sign also is a wall sign.

Rotating/Revolving Sign: A sign, all or a portion of which, moves in some manner.

Sign: Any writing, including letter, word, or numeral; pictorial presentation, including mural, illustration or decoration; emblem, including device, symbol or trademark; flag, including banner or pennant; or any other device, figure or similar thing which is a structure or any part thereof, or is attached to, painted on, or in any other manner represented on a building or structure or device; and is used to announce, direct attention to, or advertise; and is visible from any public right-of-way.

Sign Face: Surface of a sign containing the message. The sign face shall be measured as set forth in the definition for "Sign Area."

Sign Structure: The supports, uprights, braces, framework and other structural components of the sign.

Street Frontage: That portion of a property which abuts a paved street right-of-way and measured by the lineal distance of the property adjacent to such right-of-way.

Temporary Business: A business of a temporary nature authorized through a Temporary Business Permit issued by the City of Dundee.

Temporary Sign. A sign not permanently affixed to a structure on a property. These signs primarily include, but are not limited to, canvas, cloth, or paper banners or posters hung on a building wall or on a permanent pole such as on a free-standing sign support.

Wall Sign: A sign attached to, erected against or painted on a wall of a building or structure, with the exposed face of the sign in a plane approximately parallel to the face of said wall and not projecting more than 12 inches. A sign painted on an awning in which the face of the sign is approximately parallel to and within 3.5 feet of the wall shall also be considered a wall sign.

## 2.206.03 Review Procedures

- A. Permit Required. No property owner, lessee or contractor shall construct or alter any sign without first obtaining a valid sign permit. Signs permits shall be required for all property in the C and LI zones.
- B. Current Signs. Owners of conforming or nonconforming signs existing as of the date of adoption of this Ordinance are not required to obtain a permit.
- C. Permit Fees. Permit fees shall be established from time to time by City Council resolution.
- D. Application Requirements. An application for a sign permit shall be made on a form prescribed by the City Recorder. The application shall include, at a minimum, a sketch drawn to scale indicating the proposed sign and identifying existing signs on the premises, the sign's location, graphic design, structural and mechanical design and engineering data which ensures its structural stability. The application shall also contain the names and address of the sign company, person authorizing erection of the sign and the owner of the subject property.

The City Recorder shall issue a permit for a sign unless the sign is in violation of the provisions of these regulations or other provisions of the Dundee Development Code. Sign permits mistakenly issued in violation of these regulations or other provisions of the Dundee Zoning Ordinance are void. The City Recorder may revoke a sign permit if he or she finds that there was a material and misleading false statement of fact in the application for the permit.

- E. Design, Construction, and Maintenance. All signs shall be designed, constructed, and maintained according to the following standards:
  - 1. All signs shall comply with the applicable provisions of Uniform Building Code and Uniform Sign Code in effect at the time of the sign permit application and all other applicable structural, electrical and other regulations. The issuance of a sign permit under these regulations does not relieve the applicant of complying with all other permit requirements.
  - 2. Except for banners, flags, temporary signs, and window signs conforming in all respects with the requirements of these regulations, all signs shall be constructed of permanent

materials and shall be permanently attached to the ground, a building, or other structure by direct attachment to a rigid wall, frame, or structure.

3. All signs shall be maintained in a good structural condition and readable at all times.
4. The owner shall be responsible for its erection and maintenance and its compliance with the provisions of these regulations or other laws or Ordinances regulating signs.

#### 2.206.04 Nonconforming Signs

- A. Alteration of Nonconforming Sign Faces. When a nonconforming sign face is damaged or destroyed by fire, flood, wind, or other calamity or act of God, such sign face may be restored to its original condition provided such work is completed within sixty (60) days of such calamity. However, a sign structure or support mechanisms so damaged shall not be replaced except in conformance with the provisions of these regulations.
- B. Permits for Properties with Nonconforming Signs.
  1. No permits shall be issued for new or altered signs unless all signs of the individual business comply with these regulations, except as set forth in Section 2.206.04 (A).
  2. Nonconforming Sign Area. Except as set forth above and in Section 2.206.04 (A), all conforming and/or nonconforming signs in existence as of the date of the permit application shall be included in the total allowed area, number or size when reviewing applications for new or altered signs to be allowed on the property.
- C. Abandoned Signs. All signs for a business shall be removed within thirty days after that business ceases to operate on a regular basis, and the entire sign structure or structures shall be removed within 12 months of such cessation of operation. Illegal and abandoned signs which are not removed or are erected in violation of this ordinance may be removed by the City of Dundee following notice to the property owner. The property owner will be assessed the cost of sign removal if the owner fails to remove the non-conforming, illegal or abandoned sign and the City exercises its authority under this provision.

#### 2.206.05 Signs Generally Permitted

The following signs and sign work are permitted in all zones. These signs shall not require a permit, and shall not be included when determining compliance with total allowed area:

- A. Painting, change of sign face or copy and maintenance of signs legally existing on the effective date of this Ordinance. If structural changes are made, the sign shall conform in all respects with these regulations.
- B. Temporary signs that do not exceed 6 square feet in area. No lot may display temporary signs for more than 90 days in any 365 day period. Only one temporary sign per lot may be displayed at a time.
- C. Real estate signs not exceeding 6 square feet which advertise the sale, rental or lease of premises upon which the sign is located. Real estate signs may be used up to two years without a permit.
- D. Signs posted by or under governmental authority including legal notices, traffic, danger, no trespassing, emergency and signs related to public services or safety.
- E. Incidental signs that do not exceed 6 square feet.
- F. Flags on permanent flag poles which are designed to allow raising and lowering of the flags.
- G. Signs within a building.
- H. In a C, LI and P zones, signs painted or hung on the inside of windows.
- I. Residential Name Plates: Shall not exceed two (2) square feet. Only one such sign shall be permitted upon the premises and may only be indirectly illuminated.

#### 2.206.06 Prohibited Signs

The following signs are prohibited:

- A. Balloons or similar types of tethered objects.
- B. Portable signs, unless conditional use approval is granted.
- C. Roof signs.
- D. Signs that emit odor, visible matter, or sound, however an intercom system for customers remaining in their vehicles, such as used in

banks and "drive thru" restaurants, shall be allowed.

- E. Signs that use or employ side guy lines of any type.
- F. Signs that obstruct any fire escape, required exit, window or door opening used as a means of egress.
- G. Signs closer than 24 inches horizontally or vertically from any overhead power line or public utility guy wire.
- H. No vehicle or trailer shall be parked on a public right-of-way or public property, or on private property so as to be visible from a public right-of-way which has attached thereto or located thereon any sign or advertising device for the basic purpose of providing advertisement of products or directing people to a business or activity located on the same or nearby premises. This provision applies where the primary purpose of a vehicle is for advertising purposes and is not intended to prohibit any form of vehicular sign, such as a sign attached to a motor vehicle which is primarily used for business purposes, other than advertising.
- I. Rotating/revolving signs, except by conditional use permit.
- J. Flashing signs
- K. Private signs that project into or over driveways and public right-of-ways, except signs under a canopy that projects over a public sidewalk and the sign is not less than 8 feet above the sidewalk.
- L. Signs that obstruct required vision clearance area or obstruct a vehicle driver's view of official traffic control signs and approaching or merging traffic, or which present a traffic hazard.
- M. Signs that interfere with, imitate, or resemble any official traffic control sign, signal or device, emergency lights, or appears to direct traffic, such as a beacon light.
- N. Signs attached to any pole, post, utility pole or placed on its own stake and placed into the ground in the public right-of-way.
- O. Message Signs, except by conditional use permit.
- P. Projecting Signs.
- Q. Any sign on unimproved property, unless allowed as a temporary sign.

## 2.206.07 Signs in Non-Commercial Zones

The following regulations apply to signs in the A, EFU, R-1, R-2, R-3, and P zones:

- A. Sign types. The following sign types are allowed:
  - 1. Wall, canopy and window signs subject to the limitations in 2.206.06.
  - 2. Free-standing signs subject to the limitations in 2.206.06.
  - 3. Temporary displays consisting of any sign type for a period not to exceed twenty-one (21) days in any 365 day period, however the owners or responsible parties of such displays shall be responsible for any public or private nuisance.
- B. Maximum number. Any combination of wall, canopy or free-standing signs not exceeding the sign area and height limitations of this Section; plus signs allowed in Section 2.206.06 (A).
- C. Maximum total sign area for property on which the building or buildings are located:
  - 1. Single-family and two-family (duplex) dwelling - 6 square feet provided total sign area on a free-standing sign shall be limited to a maximum of 4 square feet.
  - 2. Multiple family dwelling - 24 square feet provided total sign area on a free-standing sign shall be limited to a maximum of 18 square feet.
  - 3. Public and semi-public - 32 square feet provided total sign area on a free-standing sign shall be limited to a maximum of 24 square feet.
  - 4. The sign area for a free-standing sign may be increased up to the maximum total sign area permitted in sections (a), (b), and (c) above, with a conditional use permit consistent with the decision criteria in Section 2.206.10.
- D. Maximum sign height:
  - 1. Wall, canopy or window sign - 4 feet.
  - 2. Free-standing sign - 6 feet.

E. Location:

1. Wall, canopy or window sign - shall be set back from the property lines of the lot on which it is located, the same distance as the building containing the permitted use; provided that wall signs may project into the required setback space up to 1.5 feet.
2. Free-standing sign - where fences are allowed.

F. Illumination. Signs may only be indirectly illuminated by a concealed light source, shall not remain illuminated between the hours of 11:00 p.m. and 6:00 a.m., (except by conditional use permit) and shall not flash, blink, fluctuate or produce glare.

2.206.08 Signs in Commercial and Industrial Zones

The following regulations apply to signs in the C and LI zones.

A. Signs for businesses not in integrated business centers:

1. Total allowed area. One and one-half square feet of total allowed sign area for each lineal foot of building frontage, up to a maximum total allowed area of 150 square feet.
2. Type, maximum number and size of signs. Within the total allowed area, one (1) free standing sign per street frontage, and a total of no more than two (2) wall or canopy signs. Regardless of total allowed area, each free-standing sign shall be limited to a maximum of 32 square feet in area.
3. Maximum sign height:
  - a. Wall and canopy signs - shall not project above the parapet or roof eaves.
  - b. Free-standing signs - maximum total height of 12 feet.
4. Location:
  - a. Wall signs - may project up to 1.5 feet from the building.
  - b. Free-standing sign - no limitation except shall not project over street right-of-way and shall comply with requirements for vision clearance areas and special street setbacks.



B. Signs for integrated business centers:

1. Total allowed area: For wall and canopy signs on individual businesses within an integrated business center, one and one-half square feet of total allowed sign area for each lineal foot of building frontage for the individual business, up to a total maximum of 150 square feet per business. Individual businesses may not assign their unused allowed area to other businesses in the integrated business center. Free standing signs are permitted only as set forth below and in Section 2.206.07 (C).
2. In addition to this allowed area, for each integrated business center, one (1) free-standing sign per street frontage not exceeding 100 square feet in area.
3. Maximum sign height:
  - a. Wall and canopy signs - shall not project above the parapet or roof eaves.
  - b. Free-standing signs - maximum total height of 12 feet.
4. Location:
  - a. Wall signs - may project up to 1.5 feet from the building.
  - b. Free-standing sign - no limitation except shall not project over street right-of-way and shall comply with requirements for vision clearance areas and special street setbacks.

C. Additional signs. Within the limitations of this subsection, the signs below do not require a permit and are not included in calculating allowed area and number of signs:

1. Directional signs, such as "Exit" or "Entrance", are allowed either as wall or freestanding signs. Such signs shall be limited to 3 square feet in area and 2 per driveway. Free standing directional signs shall be limited to a height of 6 feet.
2. Order signs describing products and/or order instructions to a customer, such as menu boards on the exterior of a drive-thru restaurant are allowed as follows: One (1) per business limited to 32 square feet in area and a maximum height of eight (8) feet. Any order sign greater than 10 square feet in area and/or six (6) feet in height must be screened from

adjacent streets by a sight obscuring fence, wall or hedge.

- D. Signs for temporary businesses. Temporary businesses may display temporary or portable signs, other than trailer mounted reader boards or any sign that includes flashing or rotating lights or moving parts. The cumulative size of all such signs may not exceed 32 square feet. All temporary signs must be placed within 10 feet of the structure or vehicle used for the temporary business and may not be placed within any public right-of-way.

2.206.09 Signs in Central Business District, Commercial Destination Resort, and Victorian Overlay Zones

The following regulations apply to signs in the CBD and CDR, and Victorian Overlay Zones.

- A. Total Area Allowed. One and one-half square feet of total allowed sign area for each lineal foot of building frontage, up to a maximum total allowed area of 150 square feet.
- B. Type, Maximum Number, and Size of Signs. Of the maximum permitted sign area, there shall be no more than one (1) free standing sign per street frontage, and a total of no more than two wall or canopy signs. No free standing sign shall exceed 20 square feet in size.
- C. Material.
  - 1. Signs shall be constructed of wood or wrought iron only.
  - 2. Use of materials other than those permitted in subsection (1) above may be approved by the City Planner or Planning Commission providing that the materials are indistinguishable from wood or wrought iron.
- D. Maximum Sign Height.
  - 1. Wall or canopy signs shall not project above the parapet or roof eaves.
  - 2. Free-standing signs shall not exceed a total height of six (6) feet.
- E. Location.
  - 1. Walls may project one and one-half feet from the building.

2. Free-standing signs shall not project into public right-of-way and shall comply with vision clearance and special street setback standards.

F. Lighting.

1. Signs shall be illuminating by indirectly lighting only.
2. Intermittently illuminated signs are prohibited.

## 2.206.10 Conditional Use Permits - Signs

Applications for conditional use permits for residential free standing signs, flashing signs, rotating/revolving signs, or message signs shall be processed according to the procedure set forth in Chapter 3.200 of the Dundee Development Code. The criteria to be reviewed and applied in conditional use permit proceedings are set forth in this Section in lieu of the conditional use permits set forth in Section 3.103.

- A. The following criteria shall be used to review and decide conditional use permit applications for flashing, rotating/revolving, and message signs:
  - 1. The proposed sign is located in a C, CBD, or CDR zone.
  - 2. The proposed sign, when conditioned, will not significantly increase or lead to street level sign clutter, or to signs adversely dominating the visual image of the area.
  - 3. The proposed sign, as conditioned, will not adversely impact the surrounding area to a significant degree.
  - 4. The proposed sign will not present a traffic or safety hazard.
  - 5. If the application is for a flashing and/or message sign, no rotary beacon lights, zip lights, strobe lights, or similar devices shall be allowed. No chaser effect or other flashing effect consisting of external lights, lamps, bulbs or neon tubes are allowed. Only flashing effects by way of internal illumination are allowed. Such signs are not permitted within the Victorian Overlay zone.
  - 6. If the application is for a rotating/revolving sign, such sign cannot flash or be illuminated by intermittent light. Rotating/revolving signs shall revolve at a speed no greater than 5 revolutions per minute. Such signs are not permitted within the Victorian Overlay zone.
  - 7. The total allowed sign area for a business shall be reduced by 25% if the business has a flashing, rotating/revolving, or message sign.
  - 8. The proposed sign will comply with all other regulations, including, but not limited to height and placement restrictions.
- B. The following criteria shall be used to review and decide conditional use permit applications for residential freestanding signs:

1. The proposed sign, as conditioned, will not adversely impact the surrounding area to a significant degree.
2. The proposed sign will not present a traffic or safety hazard.
3. The proposed sign will comply with all other regulations, including, but not limited to height and placement restrictions.
4. The proposed sign is incidental to the permitted or valid non-conforming use of the property.

#### 2.206.11 Variances - Signs

Any allowance for signs not complying with the standards set forth in these regulations shall be by variance. Variances to Section 2.206 will be processed according to the procedures in Section 3.104. However, the criteria in Section 3.104 shall not be used, but instead the following criteria shall be used to review and decide sign variance applications:

- A. There are unique circumstances of conditions of the lot, building or traffic pattern such that the existing sign regulations create an undue hardship;
- B. The requested variance is consistent with the purpose of the chapter as stated in Section 2.206.01; and
- C. The granting of the variance compensates for those circumstances in a manner equitable with other property owners and is thus not a special privilege to any other business. The variance requested shall be the minimum necessary to compensate for those conditions and achieve the purpose of this chapter.
- D. The granting of the variance shall not decrease traffic safety nor detrimentally affect any other identified items of public welfare.
- E. The variance will not result in a special advertising advantage in relation to neighboring businesses or businesses of a similar nature. The desire to match standard sign sizes (for example, chain store signs) shall not be listed or considered as a reason for a variance.
- F. The variance request shall not be the result of a self-imposed condition or hardship.

## **2.207 SITE AND LANDSCAPING DESIGN**

### **2.207.01 Purpose**

The purpose of this section is to establish standards to encourage quality landscaping which will contribute to the appearance and aesthetic appeal of the City of Dundee.

### **2.207.02 Scope**

All construction, expansion, or redevelopment of structures or parking lots for commercial, multi-family, or industrial uses shall be subject to the landscaping requirements of this Section.

### **2.207.03 Approval Process**

A. Landscaping plans shall be submitted as required by the Site Development Review procedures of Section 2.207 and reviewed by the City, subject to Type I-B review procedures set forth in Section 3.200.

#### **B. Submittal Requirements**

The applicant shall submit a landscape plan for approval which includes:

1. The percentage of the gross area to be landscaped.
2. The location, type, size, and species of existing and proposed plant materials.
3. All existing and proposed site features including walkways, graveled areas, mailboxes, street lamps, patios, terraces, courts, fences, decks, foundations, potted trees and potted plants, and other open spaces.
4. The location and height of fences, buffers, and screening.
5. The location of underground irrigation system sprinkler heads where applicable.
6. A narrative which addresses soil conditions and erosion control measures that will be used.

### **2.207.04 Landscaping Installation**

All landscaping required by this ordinance and approved by the Planning

Commission or Planning Staff shall be installed prior to issuance of a final occupancy permit unless security equal to 110% of the cost of the landscaping is filed with the city assuring such installation within 6 months of occupancy. The applicant will obtain cost estimates for landscape materials and installation to the satisfaction of the City prior to approval of the security. "Security" may consist of a faithful performance bond payable to the City, cash, certified checks, time certificates of deposit, assignment of a savings account or other such assurance of completion as shall meet with the approval of the City Attorney.

The final landscape inspection shall be made by the City Staff prior to any security being returned. Any portions of the plan not installed, not installed properly, or not properly maintained shall cause the inspection to be postponed until the project is completed. If the installation of the landscaping is not completed within the six month time period or within an extension of time authorized by the City, the security may be used by the City to complete the installation. Any portion of the security which remains after installation of the landscaping shall be returned to the applicant.

#### 2.207.05 Minimum Area Requirements

Landscaped areas may include landscaping: around buildings, in open spaces and outdoor recreation areas, in islands and perimeter planting areas in parking and loading areas, and in areas devoted to buffering and screening as required in this Section and elsewhere in this Ordinance.

For expansions of existing developments and parking lots, the minimum new landscaped area shall be determined by: first calculating the percentage of the increase of total floor area or parking area; multiplying the gross site area by this percentage of increase; multiplying the resulting area by the minimum percentage for the type of development.

The minimum area requirements are as follows:

- A. C, CBD, and CDR Zones. A minimum of 10% of the gross lot area shall be landscaped. In this zone courts, plazas, walkways, fountains, benches, sculptures, fences, or decks may be included within the required landscaping percentage if they are designed in conjunction with planting of street trees and potted plants and, upon design review, these features are found consistent with the purpose and intent set forth in this ordinance.

The amount of landscaping required may be reduced below 10% in the C, CBD, or CDR zones if there is a showing by the applicant that the intent and purpose for this ordinance are being met.

- B. Multi-Family Developments: A minimum of 25 percent of the gross

land area shall be devoted to landscaping in multi-family developments. Interior courtyards, atriums, solar greenhouses, and roof gardens may be included with general landscaped areas in the calculation of this percentage.

- C. LI Zone. A minimum of 6% of the gross lot area shall be landscaped. Within the LI zone, the required landscaping can be in conjunction with the parking lot landscaping requirements.

#### 2.207.06 General Provisions

- A. For purposes of satisfying the minimum requirements of this Ordinance, a "landscaped area" must be planted in lawn, ground cover plants, shrubs, annuals, perennials or trees, or desirable native vegetation, or be used for other landscape elements as defined in this Ordinance.
- B. Landscaping shall be designed, developed, and maintained to satisfy the specific functional and aesthetic objectives appropriate to the development and the district, considering the following:
  - 1. Type, variety, scale and number of plants used;
  - 2. Placement and spacing of plants;
  - 3. Size and location of landscaped areas;
  - 4. Contouring, shaping and preparation of landscaped areas;
  - 5. Use and placement of non-plant elements within the landscaping.
- C. The City may grant the applicant credit for landscaping to be done in the public right-of-way provided the elements set forth for the granting of a variance are met by the applicant. It shall not be necessary to hold a public hearing to grant this credit. The City shall consider the need for future use of the right-of-way for street purposes when granting approval for credit under this section.
- D. The landscape design shall incorporate existing significant trees and vegetation preserved on the site.

#### 2.207.07 Special Requirements for the Central Business District (CBD) Zone and Community Victorian District (CV) Overlay Zone

- A. Street Trees. All new development projects in the CBD zone fronting a public or private street, or with a driveway longer than 100 feet in



length, shall be required to plant street trees in accordance with the following:

1. Type of Tree. Certain trees can severely damage utilities, streets, sidewalks, or can cause personal injury. Approval of any planting list is subject to review.
2. Minimum Size to be Installed. Street trees shall have a minimum caliper of 2 inches measured 4 feet in height at the time of installation.
3. Spacing. The spacing of street trees by size of tree shall be as follows:
  - Small or narrow stature trees (under 25' tall and less than 16' wide) shall be spaced not greater than 20 feet apart.
  - Medium sized trees (25' - 40' tall and more than 35' wide) shall be spaced no greater than 30 feet apart.
  - Large trees (over 40' tall and more than 35' wide) shall be spaced no greater than 40 feet apart.
4. Placement. The placement of street trees is subject to review. Tree placement shall not interfere with utility poles, light standards, power lines, utility services, adequate visual clearance or sidewalk access.
5. Exemptions to Street Tree Requirements. Exemptions from the street tree requirement is subject to review and may be granted on a case by case basis. Exemption shall be granted if:
  - a. The location of a proposed tree would cause potential problems with existing utility lines, or
  - b. The tree would cause visual clearance problems, or
  - c. There is not adequate space in which to plant street trees, or
  - d. Street trees have already been planted on the site.

- B. Compatibility with Victorian Architectural Theme. Within the CV Overlay Zone, courts, plazas, walkways, foundations, benches, sculptures, fences, and decks are considered to be features of the landscape and should integrate with the Victorian style of architecture. (Please refer to Section 2.117 for further information.)

- C. Plant Materials Required. Within the CV Overlay Zone, a variety of plant materials shall be planted to add color and visual appeal to the landscape. Wild flowers, flower gardens, plotted plants and trees, planter boxes, etc. may be included in the landscape in addition to trees shrubs and ground covers.
- D. Exterior Street Lighting Requirements. Street lamps consistent with the Victorian theme are required to illuminate sidewalks and walkway areas as needed in the CV Overlay Zone. To be consistent with the existing street lights in this zone, a four-lite Victorian Lamp (such as those at Alfies Restaurant) should be used.
- E. Bench Requirements. Benches should be provided in both public and private pedestrian areas, and walkways in the CV Overlay Zone. Benches in public areas on private property, adjacent to public right-of-way, shall comply with the Victorian theme.

#### 2.207.08 Screening and Buffering

Where required by Ordinance, or where placed as a condition of approval, screening and buffering shall meet the following minimum requirements:

- A. Screening shall be used to eliminate or reduce the visual impacts of the following uses:
  - 1. Commercial and industrial uses when abutting residential uses.
  - 2. Industrial uses when abutting commercial uses.
  - 3. Service areas and facilities, including garbage and waste disposal containers, recycling bins, and loading areas.
  - 4. Outdoor storage areas.
  - 5. Parking areas for 20 or more vehicles for multi-family developments, or 30 or more vehicles for commercial or industrial uses.
  - 6. At and above-grade electrical and mechanical equipment, such as transformers, heat pumps, and air conditioners.
  - 7. Any other area or use as required by this Ordinance.
- B. Screening may be accomplished by the use of sight-obscuring plant materials (generally evergreens), earth berms, walls, fences, building parapets, building placement, or other design techniques.

- C. Buffering shall be used to mitigate adverse visual impacts, dust, noise or pollution, and to provide for compatibility between dissimilar adjoining uses. Where buffering is determined to be necessary, one of the following buffering alternatives shall be employed:
1. Planting Area: Width not less than fifteen (15) feet, planted with the following materials:
    - a. At least one row of deciduous or evergreen trees staggered and spaced not more than fifteen (15) feet apart, and.
    - b. At least one row of evergreen shrubs which will grow to form a continuous hedge at least five (5) feet in height within one (1) year of planting, and
    - c. Lawn, low-growing evergreen shrubs or evergreen ground cover covering the balance of the area.
  2. Berm Plus Planting Area: Width not less than ten (10) feet, developed in accordance with the following standards:
    - a. Berm form shall not slope more than forty (40) percent (2.5H:1V) on the side away from the area screened from view (the slope for the other side (screened area) may vary), and
    - b. A dense evergreen hedge shall be located so as to most effectively buffer the proposed use, and
    - c. Combined total height of the berm plus the hedge shall be at least five (5) feet within one (1) year of planting.
  3. Wall Plus Planting Area: Width must not be less than five (5) feet developed in accordance with the following standards:
    - a. A masonry wall or fence not less than five (5) feet in height, and
    - b. Lawn, low-growing evergreen shrubs, and evergreen ground cover covering the balance of the area.
  4. Other methods which produce an adequate buffer considering the nature of the impacts to be mitigated, as approved by the City.

2.207.09 Planting and Maintenance

All landscaping shall be continually maintained, including necessary watering, weeding, pruning, mowing, and replacement, in a substantially similar manner as was approved by the City. In addition, the following shall apply:

- A. No sight-obscuring plantings exceeding 24 inches in height shall be located within any required clear-vision area as defined in section 2.209.08 of this Ordinance.
- B. Plant materials shall not cause a hazard. Landscape plant materials over walks, pedestrian paths, and seating areas shall be pruned to a minimum height of eight (8) feet and to a minimum height of fifteen (15) feet over streets and vehicular traffic areas.
- C. Landscape plant materials shall be selected which do not generally interfere with utilities above or below ground.
- D. Landscape plant material shall be installed to current nursery industry standards.
- E. Landscape plant materials shall be properly guyed and staked to current industry standards as necessary. Stakes and guy wires shall not interfere with vehicular or pedestrian traffic.
- F. All landscape material shall be guaranteed by the developer for a period of one year from the date of installation. A copy of the guarantee shall be furnished to the City by the developer.
- G. Plant materials shall be suited to the conditions under which they will be growing. As an example, plants to be grown in exposed, windy areas which will not be irrigated should be sufficiently hardy to thrive under these conditions. Plants should have vigorous root systems and be sound, healthy, free from defects, diseases, and infections.
- H. Deciduous trees should be fully branched, have a minimum caliper of one and one-quarter (1 1/4) inches, and a minimum height of eight (8) feet at the time of planting.
- I. Evergreen trees shall be a minimum of six (6) feet in height, fully branched.
- J. Shrubs shall be supplied in minimum one (1) gallon containers or eight (8) inch burlap balls with a minimum spread of twelve (12) to fifteen (15) inches.

- K. Ground cover plants shall be spaced in accordance with current nursery industry standards to achieve covering of the planting area. Rows of plants are to be staggered for a more effective covering. Ground cover shall be supplied in a minimum four (4) inch size container or equivalent if planted eighteen (18) inches on center.
- L. All developments are required to provide appropriate methods of irrigation for the landscaping. Sites with over 1000 s.f. of total landscaped area shall be irrigated with automatic sprinkler systems to insure the continued health and attractiveness of the plant materials. Hose bibs and manually operated methods of irrigation may be used for landscaped areas totalling less than 1000 s.f.. Irrigation shall not be required in wooded areas, wetlands, floodplains, or along natural drainage channels or stream banks. Sprinkler heads shall not cause any hazard to the public.
- M. Appropriate methods of care and maintenance of landscaped plant material shall be provided by the owner of the property.
- N. Landscape plant material shall be protected from damage due to heavy foot traffic or vehicular traffic by protective tree grates, pavers or other suitable methods.

## RECOMMENDED STREET TREES

The following tree species are recommended for use as street and parking lot trees:

1. Trees maturing to small mature stature:

Common Name	Latin Name
Amur Maple	Acer ginnala
Trident Maple	Acer buergeranum
Hedge Maple	Acer campestre
Globe Norway	Acer calleryana
Bradford Pear	Pyrus calleryana
(varieties: "aristocrat", "chanticleer", etc..)	
Golden Rain Tree	Koelreuteria paniculata
Redbud (needs protection from Southwest sun)	Cercis canadensis
Kwanzan Cherry	Prunus serrulata
Crape Myrtle	Lagerstroemia indica
Flowering Plum	Prunus cerasifera
(Flireiana, Thundercloud, etc..)	
Raywood Ash	Fraxinus oxycarpa
Flame Ash	Fraxinus oxycarpa
Snowdrift Flowering Crabapple	Malus 'snowdrift'
Japanese Crabapple	Malus floribunda
Washington Hawthorne	Crataegus phaenopyrum
European Hornbeam	Carpinus betulus
Profusion Crabapple	Malus 'profusion'

2. Trees maturing to medium or tall stature:

Common Name	Latin Name
Sargent Cherry	Prunus sargentii
Sweet Gum	Liquidambar styraciflua
Marshall's Seedless Ash	Fraxinus pennsylvanica
Kimberly Blue Ash	Fraxinus excelsior
Rosehill Ash	Fraxinus americana
Flowering Ash	Fraxinus ornus
Norway Maple Cultivars	Acer platanoides
Red Maple Cultivars	Acer rubrum
Scarlet Oak	Quercus coccinea
Red Oak	Quercus rubra
Canyon Live Oak (evergreen)	Quercus chrysolepis
Holly Oak (evergreen)	Quercus ilex
English Oak	Quercus robur

Chinese Pistachio  
 Variegated Boxelder  
 Ginkgo  
 Grecian Laurel  
 Japanese Zelkova  
 Amur Cork Tree  
 Thornless Honey Locust

*Pistacia chinensis*  
*Acer negundo*  
*Ginkgo biloba*  
*Laurus nobilis*  
*Zelkova serrata*  
*Phellodendron amurense*  
*Gleditsia triacanthos*

**Prohibited Street Trees:** The following trees are not allowed as street trees except under special circumstances and with the approval of the Staff Advisor. As street trees they cause one or more of the following problems: 1) Their roots damage sewer lines or pavement; 2) They are particularly subject to disease or insects; 3) They cause visibility problems along streets or intersections; 4) They create messy sidewalks and pavements, usually due to fruit drop.

#### Common Name

#### Latin Name

Evergreen Conifers  
 Poplar & related species  
 Black Locust  
 Box Elder (except variegated)  
 Sycamore  
 Siberian Elm  
 American Elm  
 Walnut  
 Weeping Willow  
 Commercial Fruit Trees  
 Catalpa  
 Tree of Heaven  
 Big Leaf Maple  
 Fruiting Mulberry  
 Osage Orange  
 Weeping varieties of various  
 trees: i.e. cherry, mulberry,  
 crabapple

Numerous species  
*Populus trichocarpa*  
*Robinia pseudoacacia*  
*Acer negundo*  
*Platanus* species  
*Ulmus pumila*  
*Ulmus americana*  
*Juglans* species  
*Saxix babylonica*  
 numerous species  
*Catalpa speciosa*  
*Ailanthus altissima*  
*Acer macrophyllum*  
*Morus alba*  
*Maclura pomifera*  
 numerous species

## **2.208**

## **DEVELOPMENT STANDARDS FOR LAND DIVISIONS**

### **2.208.01 Purpose**

To provide for the orderly, safe, efficient and livable development of land within the City of Dundee.

### **2.208.02 Scope**

The provisions of this Section shall apply to all subdivisions and partitions within the City of Dundee.

### **2.208.03 Standards for Lots or Parcels**

- A. Minimum lot area: Minimum lot area shall conform to the requirements of the zoning district in which the parcel is located.
- B. Lot width and depth: The depth of a lot or parcel shall not be more than 3 times the width of the parcel, with the following exceptions:
  - 1. Individual lots for townhouse units shall not be less than 20 feet in width. Lot depth may vary, but shall be adequate to provide a minimum of 300 square feet of semi-private outdoor living space for each unit.
  - 2. Individual lots for single-family attached dwelling units shall be designed so that lot depth is not greater than 3 1/2 times lot width.
  - 3. Parcels created for public utility uses or in zones where there is no minimum lot area requirement shall be exempt from width to depth ratio provisions.
- C. Access: All lots and parcels created after the effective date of this Ordinance shall provide a minimum frontage, on an existing or proposed public street, equal to the minimum lot width required by the underlying zone. The following exceptions shall apply:
  - 1. Residential lots or parcels, excluding townhouse developments and Planned Unit Developments, may be accessed via a private street or partition access easement developed in accordance with the provisions of Section 2.202 when the City finds that public street access is:
    - a. Infeasible due to parcel shape, terrain, or location of existing structures; and
    - b. Not necessary to provide for the future development of



adjoining property.

2. Lots or parcels in townhouse developments or Planned Unit Developments may be accessed via public or private streets, in accordance with the following standards:
  - a. Internal local streets or drives may be private and shall be subject to the provisions of Section 2.202.
  - b. Collector and arterial streets shall be public and shall comply with the applicable provisions of Section 2.202.
  - c. Local streets which are needed to provide access to adjoining properties shall be public and shall comply with the applicable provisions of Section 2.202.
3. Commercial or Industrial uses located in a campus or park-like development may be accessed via private streets when developed in accordance with Subsection 2.202.08.
4. Flag lots, as permitted in Subsection 2.208.03(D).

D. Flag Lots: With the exception of lots meeting both criteria set forth below, all lots shall maintain the lot frontage (width) required in the applicable zoning district. It is not the intention of this Section to allow the creation of "flag-lots" by increasing the required building set-back line. Flag-lots shall only be approved in conjunction with a partition application. However, this requirement is not intended to encourage the subdivision of a parcel through a number of subsequent partition applications. If the City Recorder determines that this is being done, the applicant shall be required to submit a street and lot plan which covers land under contiguous ownership of the applicant. Flag lots shall only be permitted if it is the only reasonable method by which the rear portion of a lot being unusually deep or having an unusual configuration may be accessed.

If a flag-lot is permitted, the following standards shall be met:

1. The access strip shall not be less than 25 feet wide. The access strip shall be improved with a minimum 12 foot wide paved driveway and paved encroachment which meet applicable City standards. If said access strip is over 150 feet in length, the driveway shall terminate in a turn-around capable of accommodating emergency fire vehicles and approved by the Fire Chief.
2. The access strip shall not be included in the calculation of lot

area for purposes of determining compliance with any minimum lot size provision of this Ordinance.

- E. Through Lots: Through lots shall be avoided except where essential to provide separation of residential development from major traffic arteries, adjacent non-residential activities, or to overcome specific disadvantages of topography and orientation. Screening or buffering, pursuant to the provision of Section 2.207, may be required by the City during the review of the land division request.
- F. Lot Side Lines: The side lines of lots, as far as practicable, shall run at right angles to the right-of-way line of the street upon which the lots face.
- G. Lot Grading: The minimum elevation at which a structure may be erected, taking into consideration the topography of the lot, the surrounding area, drainage patterns and other pertinent data, shall be established by the City Building Inspector.
- H. Utility Easements: Utility easements shall be provided on lot areas where necessary to accommodate public utilities. Such easements shall have a minimum total width as specified in Section 2.205 of this Code.
- I. Increased Lot Size for Steep Slopes: Where the slope of the ground exceeds 11% in any direction for more than 60% of the lot, the area of the lot shall be increased as follows:
  - 11 to 15 percent slope - Minimum lot area plus 20 percent
  - 16 to 20 percent slope - Minimum lot area plus 50 percent
  - 21 to 25 percent slope - Minimum lot area plus 100 percent
  - 26 to 30 percent slope - Minimum lot area plus 200 percent
  - Over 30 percent slope - Minimum lot area specified by the City

#### 2.208.04 Standards for Blocks

- A. General: The length, width, and shape of blocks shall be designed with regard to providing adequate building sites for the use contemplated; consideration of needs for convenient access, circulation, control, and safety of street traffic - including pedestrian and bicyclist; and recognition of limitations and opportunities of topography.
- B. Sizes: Blocks shall not exceed 600 feet in between street lines. Exceptions may be permitted where findings can be established in support of the criteria in Section 2.208.04.G. The recommended

minimum distance between collector street intersections with arterial streets is 1,800 feet.

- C. Traffic Circulation. The subdivision shall be laid out to provide safe, convenient, and direct vehicle, bicycle and pedestrian access to nearby residential areas; neighborhood activity centers (e.g., schools and parks); shopping areas; and employment centers; and provide safe, convenient and direct traffic circulation. At a minimum, "nearby" means the distance from the subdivision boundary -  $\frac{1}{4}$  mile for pedestrians, and one mile for bicyclists.
- D. Connectivity. To achieve the objective in C. Traffic Circulation, above, the Planning Commission may require:
  - 1. Stub Streets: Where a street is called for in the adopted TSP and where the potential exists for additional residential development on adjacent property which cannot otherwise adequately connect to public streets.
  - 2. Accessways: Public accessways to provide a safe, efficient and direct connection to cul-de-sac streets, to pass through oddly shaped or unusually long blocks, to provide for networks of public paths creating access to nearby residential areas, neighborhood activity centers (e.g., schools and parks); shopping areas; and employment centers.
- E. Collector and Arterial Connections. Accessway, bikeway, or sidewalk connections with adjoining arterial and collector streets shall be provided if any portion of the site's arterial or collector street frontage is over 600 feet from either a subdivision access street or other accessway. Exceptions may be permitted where findings can be established in support of the criteria in Section 2.208.04.G.
- F. Design Standards. Pedestrian / bicycle accessways shall meet the following design standards:
  - 1. Minimum dedicated width: 20 feet
  - 2. Minimum improved width: 10 feet
  - 3. Maximum length: 250 feet, with a clear line of vision for the entire length of the accessway shall be required.
  - 4. When an accessway is in excess of 100 feet in length, then pedestrian scale lighting fixtures shall be provided and lighted to a level where the accessway can be used at night.
  - 5. The accessway shall be designed to prohibit vehicle traffic.

6. If the accessway is not owned by the public, the developer or home owner's association shall be responsible for maintenance, lighting and improvements.

G. Exceptions: An exception to the block length, or connectivity requirements may be granted when one or more of the following conditions exist:

1. Physical or topographical conditions make a street or accessway connection impracticable. Such conditions include, but are not limited to, freeways, railroads, steep slopes, wetlands or other bodies of water where a connection could not reasonably be provided.

Buildings or other existing development on adjacent lands physically precludes a connection now, or in the future considering the potential for redevelopment.

Where streets or accessways would violate provisions of leases, easements, covenants, restrictions or other agreements existing as of May 1, 1995, which preclude a required street or accessway connection.

## 2.208.05 Improvement Requirements

A. Subdivisions: All improvements required by this ordinance or as conditions of approval shall be completed prior to the issuance of any building permits for any structures within the subject development. If the Developer requests approval to record the final plat before all required improvements have been constructed and all conditions of approval have been met by the Developer and accepted by the City, the Developer shall provide a security guarantee satisfactory to the City that all improvements will be constructed in conformance with all City standards and ordinances and all conditions of approval will be satisfied. The improvements required for all partitions in the City of Dundee shall be as outlined under Section 2.208.05.

1. Frontage Improvements: Street improvements shall be required for all public streets on which a proposed subdivision fronts in accordance with Section 2.202 of this Code. Such improvements shall be designed to match with existing improved surfaces for a reasonable distance beyond the frontage of the property. Additional frontage improvements shall include: sidewalks, curbing, storm sewer, sanitary sewer, water lines, other public utilities as necessary, and such other improvements as the City shall determine to be reasonably necessary to serve the development or the immediate

neighborhood.

2. **Project Streets:** All public or private streets within the subdivision shall be constructed as required by the provisions of Section 2.202. Private driveways serving flag lots or private streets shall be surfaced as per the requirements of this Ordinance.
3. **Monuments:** Upon completion of street improvements, centerline monuments shall be established and protected in monument boxes at every street intersection at all points of curvature, points of tangency of street center lines, and other points required by state law.
4. **Bench Marks:** Elevation bench marks shall be set at intervals established by the City Engineer. The bench marks shall consist of a brass cap set in a curb or other immovable structure.
5. **Surface Drainage and Storm Sewer System:** Drainage facilities shall be provided within the subdivision and to connect the subdivision drainage to drainage-ways or to storm sewers outside the subdivision. Design of drainage within the subdivision shall take into account the capacity and grade necessary to maintain unrestricted flow from areas draining through the subdivision and to provide extension of the system to serve such areas. The design shall take into account provisions for the future extension beyond the subdivision to serve upstream properties which, in the judgement of the City, cannot be served otherwise.
6. **Sanitary Sewers:** Sanitary sewer shall be installed to serve the subdivision and to connect the subdivision to existing mains both on and off the property being subdivided. The design shall take into account provisions for the future extension beyond the subdivision to serve upstream properties which, in the judgement of the City, cannot be served otherwise.

The City may require that the subdivider construct sewage lines of a size in excess of that necessary to adequately service the development in question, where such facilities are or will be necessary to serve the entire area within which the development is located when the area is ultimately developed.

7. **Water System:** Water lines with valves and fire hydrants serving the subdivision and connecting the subdivision to the

City mains shall be installed. The design shall take into account provisions for extension beyond the subdivision to adequately grid the City system and to serve the area within which the development is located when the area is ultimately developed. However, the City will not expect the developer to pay for the extra pipe material cost of mains exceeding eight (8) inches in size. Installation costs shall remain entirely the developer's responsibility.

8. Sidewalks: Sidewalks shall be installed along both sides of each public street and in any pedestrian ways within the subdivision as well as along all frontages to existing streets. Sidewalks shall be extended as required to connect to other sidewalk systems. The City may defer sidewalk construction until the dwellings or structures fronting the sidewalk are constructed. Any required off-site sidewalks, sidewalks fronting public property, or sidewalks adjacent to existing structures shall not be deferred.
9. Other:
  - a. Curb cuts and driveway installations, excluding common drives, are not required of the subdivider but, if installed, shall be according to the City standards.
  - b. Street tree planting is not required of the subdivider but, if planted, shall be according to City requirements and of a species compatible with the width of the planting strip.
10. Street Lights. The installation of street lights is required at locations approved by the City and of a type required by City standards.
11. Street Signs. The installation of street name signs and traffic control signs is required at locations determined to be appropriate by the city and shall be of a type required by City standards.

- B. Partitions. All improvements required by this ordinance or as conditions of approval shall be completed prior to the issuance of any building permits for any structures within the subject development. If the Developer requests approval to record the final plat before all required improvements have been constructed and all conditions of approval have been met by the Developer and accepted by the City, the Developer shall provide a security guarantee satisfactory to the City that all improvements will be constructed in conformance with all City standards and ordinances and all conditions of approval will be satisfied. The improvements required for all partitions in the

City of Dundee shall be as outlined under Section 2.208.05.

2.208.06 Improvement Procedures

In addition to other requirements, improvements installed by a developer for any land division, either as a requirement of these regulations or at his own option, shall conform to the requirements of this Ordinance and improvement standards and specifications adopted by the City, and shall be installed in accordance with the following procedure:

- A. Improvement work shall not commence until plans have been checked for adequacy and approved by the City. Plans shall be prepared in accordance with requirements of the City.
- B. Improvement work shall not commence until the City has been notified in advance; and, if work has been discontinued for any reason, it shall not be resumed until the City has been notified.
- C. Improvements shall be constructed under the inspection and to the satisfaction of the City Engineer and the Director of Public Works. The City may require changes in typical sections and details in the public interest, if unusual conditions arise during construction to warrant the change.
- D. All underground utilities, sanitary sewers, and storm drains installed in streets by the developer shall be constructed prior to the surfacing of the streets. Stubs for service connections for underground utilities and sanitary sewers shall be placed to a length eliminating the necessity for disturbing the street improvements when service connections are made. Unless otherwise approved by the City, this shall be interpreted as extending to the right-of-way or easement line.
- E. Upon completion of the public improvements and prior to final acceptance of the improvements by the City, the developer shall provide certified as-built drawings of all public utility improvements to the City. As-built conditions and information shall be reflected on one (1) set of mylar base as-built drawings. The as-built drawings shall be submitted to the City by the Developer's engineer.

## **2.209 YARD AND LOT STANDARDS**

### **2.209.01 New Buildings Shall be on a Lot**

Every building erected shall be located on a lot as herein defined.

### **2.209.02 Yards Apply Only to One Building**

No required yard or other open space or required driveway provided around or for any building or structure for the purpose of complying with the provisions of this Ordinance shall be considered as providing a yard or open space for any other building, nor shall any yard or other required space on an adjoining lot be considered as providing a yard or open space on the lot whereon the building is to be erected.

### **2.209.03 No Parking in Front Yard, Yards Adjacent to a Street**

Exclusive of driveways, no parking shall be allowed within the required front yard area or yards located adjacent to a street. The side yard and rear yard areas may be used for parking of vehicles unless otherwise prohibited by this Ordinance.

The yard areas adjacent to a street shall not be used for the permanent storage of utility trailers, house or vacation trailers, boats, or other similar vehicles.

### **2.209.04 Zero Side Yard Setback**

Zero side yard dwelling units shall meet the following use and development standards:

- A. Number of attached units. No more than six dwelling units, each on a lot held in separate ownership, may be attached in the R-3 zone.
- B. Yards adjacent to a street. The requirements of this Ordinance for yards adjacent to a street are not relieved by this Section.
- C. Maintenance easement. As a condition of issuance of a permit for any building having an exterior wall contiguous to a property, the applicant shall furnish an easement from the owner of the property adjacent to said wall providing for ingress, egress, and use of such adjacent property for the purpose of maintaining, repairing, and replacing the building. Said easement shall be appurtenant to the property on which the building is located and shall be approved as to form by the City Recorder and shall be recorded with the County prior to issuance of the permit.



#### 2.209.05 Front Yard Projections

Planter boxes, chimneys and flues, steps, cornices, eaves, gutters, belt courses, leaders, sills, pilasters, lintels, and other ornamental features of not more than 24 inches, from main buildings, uncovered porches, and covered but unenclosed porches when not more than one story high and which do not extend more than 10 feet beyond the front walls of the building, are exempt from the front yard setback provisions and need not be included when determining the setback.

#### 2.209.06 Side Yard Projections

- A. Cornices, eaves, gutters, and fire escapes, when not prohibitive by any other code or ordinance, may project into a required side yard not more than one-third of the width of the side yard, nor more than 4 feet in any case.
- B. Chimneys, flues, belt courses, leaders, sills, pilasters, lintels, and ornamental features may project not more than 1½ feet into a required side yard, provided, however, chimneys and flues shall not exceed 6 feet in width.
- C. Uncovered decks and patios attached to the main building when measured directly beneath the outside edge of the deck or patio may be extended to the side yard property line when they are 3 feet or less in height from ground level.

#### 2.209.07 Rear Yard Projections

- A. Chimneys, flues, belt courses, leaders, sills, pilasters, lintels, gutters and other ornamental features, may project not more than 1½ feet into a required rear yard, provided, however, chimneys and flues shall not exceed 6 feet in width.
- B. A fire escape, balcony, outside stairway, cornice or other unenclosed, unroofed projections may project not more than 5 feet into a required rear yard and set back at least 6 feet from any property line.
- C. Planter boxes, steps, uncovered porches, and covered but unenclosed porches, including covered patios when not more than one story high and not more than 4 feet above grade, and which shall not come closer than 14 feet from the rear lot line, are exempt from the minimum rear yard depth requirements.
- D. Uncovered decks and patios attached to the main building when measured directly beneath the outside edge of the deck or patio may be extended to the rear yard property line when they are 3 feet or

less in height from ground level.

- E. No permitted projection into a required rear yard shall extend within 10 feet of the center line of an alley or of a rear lot line if no alley exists.

## 2.209.08 Vision Clearance

- A. A clear vision area shall be maintained at each access to a public street and on each corner of property at the intersection of two streets or a street and a railroad. No fence, wall, hedge, sign, or other planting or structure that would impede visibility between the heights of two (2) feet and eight (8) feet shall be established in the clear vision area. Measurements shall be made from the top of the curb or, where no curb exists, from the established street center line grade.

The preceding provisions shall not apply to the following:

1. A public utility pole.
  2. A tree trimmed (to the trunk) to a line at least eight (8) feet above the level of the intersection.
  3. Another plant species of open growth habit that is not planted in the form of a hedge and which is so planted and trimmed as to leave at all seasons a clear and unobstructed cross-view.
  4. A supporting member or appurtenance to a permanent building lawfully existing on the date this standard becomes effective.
  5. An official warning sign or signal.
  6. A place where the natural contour of the ground is such that there can be no cross-visibility at the intersection.
  7. The post section of a pole sign when there are no more than two (2) posts and any post is less than eight (8) inches in diameter.
- B. A clear vision area shall consist of a triangular area, two sides of which are right-of-way lines or a right-of-way line and access easement line. Where the lot lines have rounded corners, the right-of-way lines extended in a straight line to a point of intersection and so measured. The third side of the triangle shall be a line connecting the non-intersecting ends of the other two lines.

- C. For single use residential driveways, the clear vision area shall consist of a triangular area, two sides of which are the curb line and the edge of the driveway. Where no curbs exist, the future location of the curb, based on future full street improvements shall be used.

The following measurements shall establish the clear vision areas:

<u>Type of Intersection</u>	<u>Measurement Along Each Lot Line or Drive Edge*</u>
Controlled Intersection (stop sign or signal)	20 feet
Uncontrolled Intersection (60' right-of-way)	30 feet
Uncontrolled Intersection (less than 60' right-of-way)	40 feet
Commercial and Industrial District driveways	20 feet
Residential District driveways	10 feet
Alley (less than 25 feet)	20 feet

*\*When there is an intersection of two or more streets of different right-of-way width, the distance to be measured along the lot lines shall be the distance specified for each type street. See the clear vision diagram in Section 1.200.03).*

- D. A clear vision area shall contain no planting, fence, wall, structure, or temporary or permanent obstruction exceeding two feet in height, measured from the top of the curb or, where no curb exist, from the established street centerline grade, except that the following may be allowed in the clear vision area:

2. Trees, provided all branches and foliage are removed to a height of eight feet above grade;

2. Telephone, power, and cable television poles; and

3. Telephone switch boxes provided they are less than ten inches wide at the widest dimension.

## 2.209.09 Fences

### A. Materials

Fences and walls shall not be constructed of nor contain any material that could cause bodily harm, such as barbed wire, broken glass, spikes, or any other hazardous or dangerous materials. Electric fences are not permitted.

Electric or barbed wire fences intended to contain or restrict cattle, sheep, horses or other livestock, and existing prior to annexation to

the City, may remain.

All required swimming pool and hot tub fencing shall be a minimum of four (4) feet in height and be equipped with a self-locking gate which closes automatically.

**B. Standards**

Every fence shall be maintained in a condition of reasonable repair and shall not be allowed to become and remain in a condition of disrepair including noticeable leaning, missing sections, broken supports, non-uniform height, and uncontrolled growth of vegetation.

Fences shall not exceed six (6) feet in height in interior yards and four (4) feet in height in front yards.

If a variance has been granted to the fence height restriction, a building permit is required prior to construction. Fences more than six (6) feet in height shall meet building setback requirements.

Corner lots, which by definition have two front yards, may have a fence of up to six (6) feet in height in the front yard adjacent to the street which does not contain the dwelling's primary entrance when one of the following conditions is met:

If the adjoining street is improved with sidewalks, the fence is located a minimum of three (3) feet from the sidewalk.

If the adjoining street is improved with curbs and gutters but no sidewalks, the fence is located ten (10) feet from the face of the curb.

If the adjoining street is unimproved, the fence is no closer than three (3) feet from the property line.

In no instance shall a fence extend beyond the property line.

Buffering and screening, planter strips, parking areas, and all fences and hedges shall comply with requirements of the clear vision area for streets and driveways.

Link fencing less than seven (7) feet in height shall be constructed in such a manner that no barbed ends shall be at the top. Fences and walls shall not be constructed

All residential driveways shall have a minimum ten (10) foot paved approach from the curb line. Multiple use, commercial, and industrial use driveways shall be paved.

## CHAPTER 2.300 - SUPPLEMENTAL STANDARDS FOR SPECIAL USES

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## **2.301**

## **GENERAL PROVISIONS**

### **2.301.01      Applicability of Special Use Standards**

Special uses included in this Section are uses which, due to their effect on surrounding properties, must be developed in accordance with special conditions and standards. These special use standards may differ from the development standards established for other uses in the same Zoning District. When a dimensional standard for a special use differs from that of the underlying district, the standard for the special use shall apply.

### **2.301.02      Process**

The status of a special use as a permitted or conditional use is set forth in the underlying Zoning District.

Conditional uses shall be processed in accordance with the criteria and procedures specified in Section 3.103. Permitted uses shall be reviewed for compliance with the standards of Section 2.200 in the manner specified in the particular special use section.

A.      Conditional Uses: Special uses which are conditional uses in the underlying Zoning District shall be reviewed for compliance with the standards of Section 2.200 during the review of the Conditional Use Permit. In addition to any specific requirements under the special use, the following information shall be included with the application submittal:

1.      A description of the proposed use and specific reason for the request.
2.      A vicinity map indicating the relationship of the proposed use to the surrounding area.
3.      A site plan of the property, including existing and proposed improvements, and other information necessary to address the requirements and conditions associated with the use.
4.      A building profile of proposed new or remodeled structures, as applicable.
5.      Information addressing the criteria set forth under Section 3.103.



## **2.302**

## **PLANNED UNIT DEVELOPMENT (PUD)**

### **2.302.01 Purpose**

The purpose of Planned Unit Development regulations is to encourage and allow more creative and imaginative design of land developments than is possible under district zoning regulations. Planned Unit Developments are intended to allow substantial flexibility in planning and designing a proposal. This flexibility often is in the form of relief from compliance with conventional zoning ordinance site and design requirements. This flexibility must result in a development that is better planned, contains more amenities, and ultimately more desirable to live in than one produced in accordance with typical zoning ordinance and subdivision controls.

While greater density or more lenient siting requirements may be granted, the Planned Unit Development should contain features not normally required of traditional developments. This requires greater scrutiny on the part of the City to assess a proposal. To realize these objectives and enable thorough analysis of a Planned Unit Development, more information is demanded about the proposal than would be required if development were being pursued under conventional zoning requirements.

### **2.302.02 Objectives**

Through proper planning and design, each Planned Unit Development should include features which further, and are in compliance with, the following objectives:

1. To allow for the design of developments that are architecturally and environmentally innovative, and that achieves better utilization of land than is possible through strict application of standard zoning and subdivision controls.
2. To encourage land development that, to the greatest extent possible, preserves natural vegetation, respects natural topographic and geologic conditions, and refrains from adversely affecting flooding, soil, drainage, and other natural conditions.
3. To combine and coordinate architectural styles, building forms, and structural/visual relationships within an environment that allows mixing of different land uses in an innovative and functionally efficient manner.
4. To provide for abundant, accessible, and properly located open and recreation space.

5. To ensure that development occurs at proper locations, away from environmentally sensitive areas, and on land physically suited to construction.
6. To enable land developments to be completely compatible and congruous with adjacent and nearby land developments.

2.302.03      Ownership  
The site of the Planned Unit Development must be under single ownership and/or unified control.

2.302.04      Uses Permitted

In a Planned Unit Development only the following uses are permitted:

- A. Residential Uses.
- B. Recreational facilities including, but not limited to, tennis courts, swimming pools, and playgrounds.
- C. Open space.
- D. Schools, libraries, community halls, and churches.
- E. Offices, buildings, and facilities required for the operation, administration, and maintenance of any Planned Unit Development and for recreation purposes, such as golf courses, recreation rooms, and vehicle storage areas.
- F. Commercial uses identified as permitted uses in the Central Business District (CBD) Zone, provided:
  1. Commercial establishments shall be designed to be an integral part of the general plan of development for the Planned Unit Development and provide facilities related to the needs of the prospective residents.
  2. Commercial establishments and their parking areas shall not occupy more than one (1) acre per one hundred (100) dwelling units.
  3. Commercial establishments will be located, designed, and operated to efficiently serve frequent trade and to serve the needs of persons residing in the Planned Unit Developments.
  4. Commercial establishments will not, by reason of their location, construction, or operation, have adverse effects on

residential uses within or adjoining the district, or create traffic congestion or hazards to vehicular or pedestrian traffic.

#### 2.302.05 Development Requirements

Planned Unit Developments shall comply with the applicable development standards of Section 2.200.

- A. Relationship to Standards of the Underlying Zoning District. In cases of conflict between standards of the underlying zone and the Planned Unit Development provisions, the PUD provisions shall apply.
- B. Minimum Site Area. If the Planned Unit Development will result in common open space being privately maintained, the PUD shall contain sufficient area to provide a minimum of fifty (50) residential units based on the density requirements of this Section.
- C. Site Adaptation: To the maximum extent possible, the plan and design of the development shall assure that natural or unique features of the land and environment is preserved.
- D. Residential Density: Permitted density of development in all PUDs shall be determined in accordance with the following procedures:
  - 1. Determine total gross site area (G.S.A.)
  - 2. Multiply the G.S.A. by .85 to determine the Net Site Area (N.S.A.).
  - 3. Deduct from the N.S.A. any proposed commercial areas or nonresidential uses to determine Net Developable Site Area (N.D.S.A). Open space areas and hillside areas which will be in open space areas are not required to be deducted.
  - 4. Determine maximum density of development in accordance with the applicable method below:
    - a. R-1 Zone Developments: Multiply NDSA by 5 units per acre.
    - b. R-2 Zone Developments: Multiply NDSA by 7 units per acre.
    - c. R-3 Zone Developments: Multiply NDSA by 10 units

per acre.

- E. Lot Area. Except as otherwise required by these provisions, the minimum lot area, width, frontage, and yard requirements otherwise applying to individual buildings in the zone in which a Planned Unit Development is proposed do not apply within a PUD.
- F. Lot Arrangement: All residential buildings shall be located adjacent to an open space area, recreational area or recreational facility. If direct access to these areas is not provided for each residential building, then a walkway or sidewalk accessing such facilities shall be located no more than 200-feet from any residential building.
- G. Housing Types. With the exception of manufactured homes, there are no restrictions as to housing types, provided, multiple family units (as defined by the Development Ordinance) shall be limited to no more than 10% of the total housing units in the R-1 zone and 20% of the housing units in the R-2 zone.
- H. Structure Setback Provisions: Yard setbacks for lots on the perimeter of the project shall be a minimum of 20-feet. Detached structures on individual lots shall maintain a minimum front, side or rear yard setback of five feet. A minimum yard setback of twenty (20) feet shall be required for any garage structure whose opening faces onto a public street. Otherwise, the minimum setbacks of the underlying zone do not apply.
- I. Common Open Space: At least 20% of the gross acreage shall be devoted to open space, outdoor recreational areas or recreational facilities. At least one-half of the designated open space shall contain slopes less than 10%. Open space may include pedestrian access routes, bicycle trails, natural or landscaped buffer areas, recreational facilities and buildings and similar areas reserved for common use. Streets and on-street parking spaces shall not be considered open space.

If buildings, structures, or other improvements are to be made in the common open space, the developer shall provide a bond or other adequate assurance that the buildings, structures, and improvements will be completed. The City shall release the bond or other assurances when the buildings, structures, and other improvements have been completed according to the development plan.

- J. Community Option: The City may request the public dedication of proposed open space in lieu of payment of park system

development charges. The land must be reasonably suited for use as a City park or for recreation purposes, taking into consideration such factors as size, shape, topography, geology, access, location, and applicable Comprehensive Plan policies, when such dedication is consistent with the ability of the City to maintain such parks.

The City shall require the public dedication of open space or park land consistent with an adopted master park plan.

All land dedicated for public use shall be credited to the open space requirement for the planned unit development.

K. Circulation:

1. All streets within a PUD shall be public streets. Local streets may be designed to the narrow street provisions contained in Section 2.202.04 of this Ordinance.
2. Roads and pedestrian and bikeway paths shall be an integrated system designed to provide efficient and safe circulation to all users. Pedestrian/bikeway paths shall be integrated into the open space areas. Developments shall be designed to minimize the roadway length.
3. Pedestrian/bikeways shall be clearly signed and have adequate crossing facilities where warranted.

L. Off-Street Parking. Off-street parking requirements shall be as specified in Section 2.203 of this Ordinance. Parking may be provided on each lot or in clustered parking areas. Additional off-street parking for guests and recreational vehicles may be required if warranted by reduced lot sizes and/or traffic volumes.

M. Utilities. In addition to other requirements set forth herein, the following shall apply:

1. All sewer and water provisions shall be approved by the City before construction of such improvements.
2. All utility services shall be placed underground.
3. Provisions shall be made for fire prevention, including service water lines, fire hydrant location, and emergency access for fire fighting equipment.
4. Provision shall be made for control of site storm water drainage.

- N. Homeowners Association - A non-profit incorporated homeowner's association, or an alternative acceptable to the City, shall be required for improving, operating, and maintaining common facilities, including open space, drives, service and parking areas, and recreation areas. The following principles shall be observed in the formation of any homeowners association:
1. A homeowner's association shall be set up before approval of the final plat, or any portion thereof.
  2. Membership shall be mandatory for each home owner and any successive buyer.
  3. The open space restrictions shall be in perpetuity.
  4. The homeowner's association shall be responsible for liability insurance, applicable taxes, and the maintenance of recreational and other facilities.
  5. Home owners shall pay their pro rated share of the cost or the assessment levied by the association shall become a lien on the property.
  6. The association shall be able to adjust the assessment to meet changes needed.
  7. No change in open space use or dissolution of homeowners association shall occur without a public hearing before the Planning Commission and approval by the City Council.

2.302.06 Process

Planned Unit Developments shall be processed in accordance with the submittal requirements and procedures established in Section 3.107. Approval shall only be granted if the requirements of this Section and all other applicable requirements of this Ordinance are met.

2.302.07 Conditions of Approval

The Planning Commission may impose reasonable conditions upon its approval. Such conditions may include conditions necessary to ensure that public services and facilities are available to serve the proposed development; to protect the natural environment and conserve natural resources; to ensure compatibility with adjacent uses of land; to ensure compliance with the design standards contained within this Section; and, to ensure the Planned Unit Development will be developed as approved by the City.

2.302.08 Modification of an Approved PUD

A new public hearing shall be required if any one of the following changes is proposed to an approved planned unit development site plan:

- A. An increase or decrease in the number of dwelling units.
- B. An increase or decrease in the area devoted to open space or recreational space.

## **2.303**

## **MANUFACTURED HOMES ON INDIVIDUAL LOTS**

### **2.303.01 Scope**

The following general standards are applicable to all manufactured homes sited on individual lots within the City of Dundee.

### **2.303.02 General Standards**

- A. The manufactured home shall be multi-sectional and shall enclose a space of no less than 1,000 square feet.
- B. The manufactured home shall be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not more than 12 inches above grade. The foundation must be constructed of concrete or concrete block.
- C. The manufactured home shall have a roof with a nominal pitch of no less than 3/12.
- D. Roofing material shall be composition asphalt, fiberglass, wood shake, or tile.
- E. The exterior siding must be standard wood siding, T-111, or a siding of equivalent appearance.
- F. The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting current performance standards specified by state law for single-family dwellings.
- G. The manufactured home shall have an enclosed, attached or detached garage or carport if 50% or more of the adjacent residential properties contain a garage or carport. The garage shall be constructed of materials which are similar in color, material, and appearance to the house. The garage shall be constructed prior to occupancy.
- H. Transportation mechanisms, including wheels, axles, and hitch must be removed prior to occupancy.
- I. The manufactured home shall be provided with gutters and downspouts to direct storm water away from the placement site.
- J. All utilities shall be connected to the manufactured home in compliance with City and State requirements prior to occupancy.



- K. At the time of installation, the manufactured home shall be in good repair and free of structural, electrical, mechanical, and plumbing defects.
- L. The manufactured home and any manufactured home accessory buildings shall be constructed and maintained in conformance with the state and federal safety construction standards, applicable at the time of placing the manufactured home. The home shall bear the Oregon "Insignia of Compliance".
- M. Except for a structure which conforms to the state definition of a manufactured home accessory structure, no other extension shall be attached to a manufactured home, except a garage constructed to the standards of the Oregon State Structural Specialty Code. No attached extension shall exceed a height of fourteen (14) feet, or the roof line of the manufactured home, whichever is greater.
- N. The applicant must obtain an installation/set-up permit for the manufactured home from the City.
- O. A manufactured home shall not be placed within an acknowledged historical district nor adjacent to a historic landmark.

#### 2.303.03 Process

Compliance with the standards of this Section shall be reviewed administratively by the City Building Inspector during the review of applicable building permits and set-up permits.

## **2.304**

## **MANUFACTURED HOME PARKS**

### **2.304.01 Scope**

The following standards shall apply to the design and development of all manufactured home parks in the City of Dundee.

### **2.304.02 General Standards**

- A. Any lot or site used for a manufactured home park and any modifications to a manufactured home park shall comply with the provisions of ORS 446.002 to ORS 446.210 and Manufactured Home Park Standards, adopted as Oregon Administrative Rule, Chapter 814, Subdivision 3, Manufactured Home Parks, Sections 28.010 to 18.170, inclusive.
- B. All parks shall require a minimum of three acres.
- C. Density. The maximum density of a manufactured home park shall not exceed six units per gross acre.
- D. Minimum area. The minimum area to be contained on a manufactured home space by a manufactured home and its accessory structures shall be 3,000 square feet.
- E. Setbacks. The following setback standards shall apply:
  - 1. General park development: Setbacks for structures other than a manufactured homes, carports and related accessory buildings shall comply with the minimum residential setbacks in the underlying zone.
  - 2. Manufactured homes:
    - 1. Front: 5 feet minimum to the sidewalk; 8 feet minimum to the curb
    - 2. Side and rear: 10 feet minimum to any adjacent manufactured home; 6 feet minimum to any adjacent non-residential structure
    - 3. Manufactured homes on the periphery of a manufactured home park shall maintain the following setbacks:
      - Adjacent to a public street: the same setback as required for the front yard in the underlying zone.
      - ii. Side and rear yards: the same setback as required for the rear yard in the underlying zone.

3. Accessory structures:

- a. Front: 5 feet minimum to the sidewalk; 8 feet minimum to the curb
- b. Side and rear: 6 feet minimum to any adjacent manufactured home, or, adjacent non-residential structure

4. Carports:

Front: 20 feet minimum to the sidewalk or curb, if a sidewalk is not provided

Side and rear: Carports attached to, or within 3 feet of, the manufactured home shall comply with the setbacks for the manufactured home. Otherwise, the setback provisions for accessory structures shall apply.

- F. Minimum width. No manufactured home space shall be less than 40 feet in width at its driveway frontage.
- G. Boundaries of space. The boundaries of each manufactured home space shall be clearly marked by a fence, landscaping or by permanent markers.
- H. Driveways. All driveways shall be paved with an asphaltic material or concrete and shall be a minimum of 20 feet in width. In addition, if parking is to be permitted along the driveway, a minimum width of 30 feet is required. All driveways shall be adequately designed as to permit safe, easy access by emergency vehicles.
- I. Parking. A minimum of two off-street parking spaces shall be provided for each manufactured home space.
- J. Walks. Provisions shall be made for a walk from each manufactured home to each driveway. All walks must be hard surfaced, well drained and not less than 36 inches in width. All walks adjacent to driveways and thoroughfares shall be curb line walks.
- K. Patio. Each manufactured home space shall have a slab or patio or concrete, asphalt or flagstone or similar substance not less than 20 feet in length and 10 feet in width adjacent to each manufactured home parking site.
- L. Storage area. A storage space in a building having a gross floor area of at least 60 square feet shall be constructed and completed

prior to occupancy of the manufactured home for storing the outdoor equipment and accessories necessary to residential living.

- M. Accessory buildings. Accessory buildings shall not be placed closer than 5 feet to any property line. Accessory buildings which are placed on a manufactured home space shall be sited in a manner so as not to hinder or restrict access to the side and rear yard areas adjacent to the manufactured home.
- N. Manufactured home space coverage. Not more than 45 percent of a manufactured home space may be occupied by a manufactured home and its accessory structures, whether or not it is attached to the manufactured home.
- O. Signs. All signs shall be in accordance with Section 2.206 of this ordinance.
- P. Lighting. Common driveways and walkways must be adequately lighted.
- Q. Skirting. All manufactured homes shall have skirting around the exterior of the manufactured home or they may be situated upon a continuous foundation meeting the approval of the city building code.
- R. Open space. A minimum of at least 5,000 square feet per 25 manufactured home spaces or portion thereof shall be provided for a recreational play area group or community activities. No approved open space area shall contain less than 5,000 square feet. The floor area of indoor facilities, such as a community building, may be included in calculating the open space requirement.
- S. Utilities. All utility services shall be underground. The applicant shall furnish the city with proper easements for reading the meters and for inspecting water and sewer lines. All meters and water and sewer lines shall be maintained by the park owners to city standards.
- T. Water, sewer and surface drainage. Adequate provisions shall be made for an ample supply of safe and potable water and adequate provisions shall be made for sewage disposal and surface drainage and plans for such must have prior approval of the health department and the City Engineer before a manufactured home park is approved. All meters, sewer and water lines shall be inspected while being installed and the installation shall meet normal city standards.
- U. Additions to manufactured homes. Carports, cabanas, ramadas,

awning and all other structures, whether defined herein or not, which are situated upon a manufactured home space and are attached to the manufactured home, shall conform to the requirements of the city building code. Such additions and structures shall be considered as a portion of the manufactured home for determining the extent of lot coverage, setback lines and all other requirements for manufactured homes, as if such additions and structures were a part of such manufactured home.

- V. No part of any manufactured home park shall be used for the parking or storage of any heavy equipment, or trucks with a rated capacity exceeding 2 tons.
- W. A caretaker, owner or manager shall be responsible for keeping the manufactured home park, its facilities and equipment in a clean, orderly and sanitary condition.
- X. Landscaped buffer areas shall be developed around the perimeter of all manufactured home parks. Buffering shall comply with the standards of Section 2.207.
- Y. All units placed within a manufactured home park after the effective date of this ordinance shall be "manufactured homes" as defined in Section 1.200 of this Ordinance.

#### 2.304.03 Process

Manufactured home parks shall be subject to the Site Development Review procedures of Section 3.105. Submittal requirements and review procedures shall be as specified in that Section. Approval shall not be granted unless all provisions of this Section and other applicable requirements of this Ordinance are met.

**2.305**

**RESERVED**

## **2.306 HOME OCCUPATIONS**

### **2.306.01 Standards**

Home occupations may be allowed as an accessory use on any property on which there is a residence, subject to the following standards and restrictions:

- A. Participation: No person shall be employed other than a member of the family residing on the premises
- B. Character: The character and primary use function of the residence and premises shall not be changed by the use of colors, materials design, construction, lighting, landscaping or lack of landscaping.
- C. Traffic: A home occupation located on a local street, or privately maintained road serving three or more residences, shall not generate more than twenty (20) vehicle trips in one day. A "trip" is a vehicle traveling in one direction to or from a source. Twenty (20) trips is equivalent to ten (10) round trips.
- D. Noise: A home occupation shall not create noise of a type, duration or intensity which, measured at the property line, exceeds 60 DBA between the hours of 7:00 a.m. and 6:00 p.m. No noise shall be created by the home occupation between the hours of 6:00 p.m. and 7:00 a.m. that is detectable to normal sensory perception, off the premises of the home occupation.
- E. Equipment and Process Restrictions: No home occupation conducted within a single-family detached residence or an accessory structure shall create vibration, glare, fumes, odors, or electrical interference detectable to the normal sensory perception, off the property. No home occupation conducted in a residence other than a single family detached residence shall create vibration, glare, fumes, odors, or electrical interference detectable to normal sensory perception outside the dwelling unit. In the case of electrical interference, nothing shall be used which creates visual or auditory interference in any radio or television off the premises.
- F. Hazards: No equipment, process or material shall be used which will change the fire rating or structure separation, fire wall, or ventilation requirements for the structure in which the home occupation is located. No hazardous materials shall be used or stored on the property on which a home occupation located in quantities not typical of those customarily used in conjunction with activities or primary uses allowed in the zoning district.

- G. Signs: Signing shall be as provided in Section 2.206.
- H. On-Premise Client Contact: Customer and client contact shall be primarily by telephone or mail, and not on the premises of the home occupation, except those home occupations, such as tutoring, counselling or personal services, which cannot be conducted except by personal contact. Services or sales conducted on the premises shall be by appointment only, and shall not be oriented toward, or attract, off-the-street customer or client traffic.
- I. Prohibited businesses: The repair or maintenance of vehicles shall be prohibited. This includes the repair and/or maintenance of automobiles, trucks, recreational vehicles, trailers, motorcycles, farm equipment, boats, and, lawn mowers and other small engine equipment.
- J. Deliveries and Large Vehicle Storage: Delivery of materials to and from the premises shall not involve the use of vehicles over two (2) ton capacity, except parcel post or private parcel delivery trucks. Vehicles over one (1) ton capacity and used in conjunction with a home occupation shall be stored within an enclosed structure on the property. Regardless of capacity, storage of vehicles within the public right-of-way shall be prohibited.
- K. Parking: Parking spaces needed for the conduct of a home occupation shall be provided off the street, in defined areas which are appropriately designed and surfaced for that purpose, and not located within the side or rear yard setbacks of the district. No more than two (2) home occupation-related vehicles shall be located on the property at one time. If access to the property is from an arterial or collector street, adequate maneuvering room shall be provided on-site to allow vehicles to leave the property front-end first.
- L. Storage and Use of Yard Areas: Storage of tools, equipment and materials, and display of merchandise and all other activities associated with a home occupation, except as provided above for parking, shall be contained and conducted wholly within covered and enclosed structures and shall not be visible from the exterior of the containing structure(s). Home occupations which involve the care of children by a baby sitter, as defined in Section 1.200, may use yard areas for playground equipment.
- M. Day care facilities with 12 or fewer children or group care homes shall not be subject to the provisions in this Section.



Home occupations are allowed as an accessory use to any residential use in the City of Dundee, subject to the Type I-A approval process listed in Subsection 3.201.01. The standards of this Section shall govern all home occupations.

2.306.03      Non-Compliance

Any home occupation which does not comply with the requirement of this Section and the provisions of the underlying district shall be a violation of this Ordinance and shall be subject to the penalties and remedies of Subsection 1.102.03.

## **2.307                    SMALL-SCALE    MANUFACTURING    IN    THE    COMMUNITY-COMMERCIAL ZONE**

### **2.307.01       Standards**

A small-scale manufacturing operation may be permitted in the Community-Commercial (C) Zone as a conditional use provided that:

- A.     The area involved in the manufacturing of the product does not involve more than 4,000 square feet of floor area, and all storage of materials is enclosed.
- B.     The building and site plan are not incompatible with the character of the commercial area nor will seriously interfere with adjacent land uses.
- C.     All sign requirements of Section 2.206 are met.
- D.     All height requirements of the C Zone are met.
- E.     Off-street parking shall be provided consistent with the provisions of Section 2.203.
- F.     The use shall not be objectionable in relationship to surrounding residential or commercial uses because of odor, dust, smoke, cinders, fumes, noise, glare, heat or vibration.

### **2.307.02       Process**

- A.     Small-scale manufacturing uses in the C Zone shall be reviewed in accordance with the Conditional Use Permit criteria and procedures as specified in Section 3.103; and
- B.     Small-scale manufacturing uses in the C Zone shall be subject to the criteria and procedures of Site Development Review process as set forth in Section 3.105.

The above reviews shall include consideration of the standards of this Section. Approval shall not be granted unless all standards of this Section and other applicable provisions of this Ordinance are met.

**2.308                    MANUFACTURED HOME, TRAILER, AND VEHICULAR SALES,  
SERVICE AND RELATED USES**

**2.308.01        Scope**

The provisions of this Section shall apply to the following uses:

- A.     Automobile service stations;
- B.     Automobile, truck, manufactured home, recreation vehicle or trailer sales;
- C.     Boat and marine accessory sales;
- D.     Motorcycle sales;
- E.     Retail tire shop, sales, service and repair;
- F.     Towing service.

**2.308.02        Standards**

In addition to other development standards established elsewhere in this Ordinance, the following standards shall apply to the development of the uses listed in Subsection 2.308.01, above.

- A.     All parking areas, loading areas or areas used for storage of boats, automobiles, manufactured homes, recreational vehicles, trucks, trailers, motorcycles or other vehicles shall be paved with a concrete or asphalt surface.
- B.     The lot shall be screened from adjoining residentially zoned properties in accordance with the provisions of Section 2.207.
- C.     When not displayed for public sale, all merchandise and supplies, other than vehicles, manufactured homes and trailers, shall be stored within a building.

**2.308.03        Process**

The uses listed in this subsection shall be reviewed for compliance with the standards of this subsection pursuant to the Site Development Review process set forth in Section 3.105.

## **2.309 DRIVE-THROUGH SERVICE AND WALK-UP WINDOWS**

### **2.309.01 Scope**

Where permitted by this Ordinance, the following standards shall apply for drive-through service and walk-up windows in the City of Dundee.

### **2.309.02 Drive-Through Service**

A building providing drive-through service shall be subject to the following design standards:

- A. General. Establishment of drive-through service shall require approval of a Site Development Review.
- B. Circulation. The overall circulation plan for a site shall not cause traffic congestion on surrounding streets and shall minimize potential nuisances to nearby residential property caused by vehicles and use of the order board.
- C. Access and Window Location. Wherever feasible, drive-through lanes shall be accessed from the rear of a site, and run along the interior side property line or building elevation. The order board and drive-up window shall not be located between the building and an adjacent right-of-way.
- D. Vehicle Stacking. All drive through lanes shall provide stacking for a minimum of six vehicles as measured from the drive-up window to the entrance of the drive-through lane.
- E. Setbacks. Where a drive-through lane will be located between a building and a roadway, a minimum 15-foot setback shall be required from the roadway right-of-way to the drive-through lane. This setback area shall be landscaped.
- F. Screening. The drive through lane shall be screened by a combination of shrub planting, berming, and/or low retaining walls at least three feet in height.
- G. Operation. Specific design and operational conditions may be imposed with approval of the Site Development Review process. These may include, but are not limited to, additional vehicle stacking, screening or buffering, regulating the hours of operation and other measures to reduce potential impacts on surrounding properties.

2.309.03 Walk-Up Window

A building providing a walk-up service window shall be subject to the following design standards:

- A. General. Establishment of a walk-up service window shall require approval of a Site Development Review.
- B. Circulation. The service window shall be so located as not to interfere with pedestrian traffic along the adjacent sidewalk and vehicle traffic entering or exiting the site.
- C. Setback. There shall be a minimum 5-foot setback between a service window and an adjacent property boundary.
- D. Surfacing. The area where patrons place orders and receive ordered items shall be surfaced in concrete, brick, stone or other suitable surface material.
- E. Outside Furniture. The provision of tables, seats, trash receptacles and similar items shall be permitted provided it is located entirely on private property.
- F. Noise. The use of a loudspeaker shall be prohibited.
- G. Operation. Specific design and operational conditions may be imposed with approval of the Site Development Review process. These may include, but are not limited to, regulating the hours of operation, screening or buffering and other measures to reduce potential impacts on surrounding properties.

## CHAPTER 2.400 GENERAL PROVISIONS

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## **2.401 GENERAL STANDARDS**

### **2.401.01 Minimum Requirements**

In interpreting and applying this Ordinance, the provisions herein shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, and general welfare.

### **2.401.02 Completion of a Structure Within a Reasonable Length of Time**

A structure not completed within one year of beginning construction shall constitute a violation of this Ordinance.

### **2.401.03 Lots of Record**

- A. A parcel is a legal lot of record for purposes of this Ordinance when the lot conforms to all zoning requirements and Comprehensive Plan provisions, if any, in effect on the date when a recorded separate deed or contract creating the separate lot or parcel was signed by the parties to the deed or contract; except
- B. Contiguous lots under the same ownership when initially zoned shall be combined, for the purposes of this Ordinance, when any of these lots do not satisfy the lot size requirement of the initial district. A lot or parcel which is a separate legal lot or parcel prior to the adoption of this provision shall remain a separate legal lot regardless of ownership.
- C. Lots in recorded plats shall not be combined under Subsection 2.401.03 (B).
- D. The use or development of any legal lot of record shall be subject to the regulations applied to the property when such development or use is commenced, irrespective of the lot width, street frontage, depth or area, but subject to all other regulations. However, no dwelling shall be built on an existing lot less than 3,000 square feet in area.

### **2.401.04 Lots Abutting a Partial Street**

New structures which are proposed to be constructed on lots abutting an existing public street which does not meet the minimum standards of Section 2.202 for right-of-way width shall provide setbacks sufficient to allow for the future widening of the right-of-way. Building permits shall not be issued unless a yard setback equal to the minimum yard requirements

of the zoning district plus the required minimum additional right-of-way width is provided.

2.401.05 Protection of Solar Access

The use of active or passive solar energy systems including solar collectors, storage facilities, and distribution components for space heating and cooling and domestic water heating is a permitted use within all zones, whether as a part of a structure or incidental to a group of structures nearby.

- A. Solar collectors and the equipment used for the mounting and operation of such collectors, where necessary, may be elevated above the 30 foot height limitation in residential zones. However, elevation of solar collectors shall not restrict solar access to adjacent properties.
- B. Chimneys, communication transmission towers, television, radio masts, or landscaping shall not significantly restrict or impair solar access to buildings or solar collector locations.

2.401.06 Unsafe Building

Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by proper authority.

2.401.07 Limitations on Buildings

In the R-1 and R-2 Zones there shall be only one main building on a lot.



## **2.402 GENERAL EXCEPTIONS**

### **2.402.01 Yard Exceptions for Service Stations**

In a district where automobile service stations are permitted, free standing gasoline pumps and pump islands, identification signs and lighting standards may occupy a required front or street side yard exclusive of a clear vision zone unless otherwise prohibited by this Ordinance. In any zone, gasoline pumps and pump islands shall not be located so that any part of a vehicle being served shall extend into any public street right-of-way, alley or private drive used for access or egress to private property. Further, gasoline pumps or pump islands shall not be built within 10' from a property line.

### **2.402.02 General Exception to Building Height Limitations**

Projections such as chimneys, spires, domes, elevator shaft housing, towers, aerials, flagpoles, and other similar objects not used for human occupancy are not subject to the building height limitations of the underlying zone.

### **2.402.03 Height Exceptions for Public Buildings**

Public or quasi-public buildings, hospitals, churches or temples, and educational institutions may be constructed to a height not to exceed 45 feet provided the required yards are increased one foot for each foot of additional building height above the height regulation for the zone.

### **2.402.04 Additions to Existing Structures**

When structures exist at the time a zone is adopted which do not comply with front yard setback restrictions, additions to such structures not conforming to the front yard setbacks shall be allowed, provided:

- A. The setback distance will not be decreased by the addition;
- B. The addition conforms to all other provisions of the zoning district; and
- C. The addition shall not be greater than forty (40) percent of the square footage on the ground level of the existing structure.

### **2.402.05 Public Dedications**

Setback restrictions of this Ordinance shall not apply to existing structures whose setback is reduced by a public dedication. Additions to such structures shall be allowed subject to Subsection 2.402.04.

#### 2.402.06 Miscellaneous Exceptions to Setback Requirements

Setback limitations stipulated elsewhere in this Ordinance may be modified as follows:

- A. Bus shelters which are intended for use by the general public and are under the ownership and/or control of a city, county, state or municipal corporation shall be exempt from setback requirements.
- B. Side and rear yards of underground structures may be reduced to 3 feet except:
  - 1. Where the perimeter wall of the structure is above the natural elevation of the adjacent ground, in which case the setback provisions of the district shall apply.
  - 2. All openings into the structure, including doors, windows, skylights, plumbing, intake and exhaust vents, shall meet the minimum setbacks of the district.
- C. An uncovered porch, terrace or patio structure extending no more than two and one-half (2 1/2) feet above the finished elevation may extend within three (3) feet of a side lot line or within ten (10) feet of a front or rear lot line.

**2.403****USES PERMITTED IN ALL ZONES****2.403.01 Permitted Uses**

The following uses and activities are permitted in all zones:

- A. Placement and maintenance of underground or above ground wires, cables, pipes, guys, support structures, pump stations, drains, and detention basins within rights-of-ways by public agencies and utility companies for telephone, TV cable, or electrical power transmission, or transmission of natural gas, petroleum products, geothermal water, water, wastewaters, sewage and rainwater.
- B. Railroad tracks and related structures and facilities located within rights-of-ways controlled by railroad companies.
- C. Surfaced travel lanes, curbs, gutters, drainage ditches, sidewalks, transit stops, landscaping and related structures and facilities located within rights-of-ways controlled by a public agency.
- D. Expansion of public right-of-way and widening or adding improvements within the right-of-way, provided the right-of-way is not expanded to more width than prescribed for the street in the Public Facilities segment of the Comprehensive Plan. A non-conforming use may be continued although not in conformity with the regulations for the zone in which the use is located.

## CHAPTER 3.100 - APPLICATION REQUIREMENTS AND REVIEW CRITERIA

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### **3.101 SUMMARY OF APPLICATION TYPES AND REVIEW PROCEDURES**

All development permits and land use actions are processed under the City's administrative procedures. There are four types of actions, each with its own procedures.

### 3.101.01 Type I Action

Type I actions are administrative reviews processed by the City staff. The review standards are generally clear and objective and allow little or no discretion. This process is further divided into two parts:

- A. Type I-A: A ministerial action reviewed by staff based on clear and objective standards. No conditions may be placed on the decision and notice of the decision is sent only to the applicant. Appeal is to the Planning Commission. The following actions are processed under the Type I-A procedure:
  - 1. Lot Line Adjustment
  - 2. Home Occupation
  - 3. Signs
  - 4. Floodplain Development
- B. Type I-B: A ministerial action reviewed by staff based on generally clear and objective standards with some discretion afforded to staff. Conditions may be placed on the decision and notice is sent to the applicant and property owners within the required notice area. Appeal is to the Planning Commission. The following actions are processed under the Type I-B procedure:
  - 1. Minor Variance
  - 2. Partitions
  - 3. Site Plan Review
  - 4. Developments outside the City which will tie into or take access from City streets, or increase the flow or change the point of discharge to the City storm drainage system.

### 3.101.02 Type II Actions

A Type II action is a quasi-judicial review in which the Planning Commission applies a mix of objective and subjective standards that allow considerable discretion. Public notice and a public hearing is provided. Section 3.202 lists the notice requirements. Appeal of a Type II decision is to the City Council. The following actions are processed under a Type II procedure:

- A. Conditional Use Permit
- B. Non-Conforming Uses
- C. Planned Unit Development
- D. Similar Use
- E. Subdivision

F. Major Variance

3.101.03 Type III Actions

A Type III action is a quasi-judicial process in which the City Council applies a mix of objective and subjective standards. The Planning Commission has an advisory role. Public notice is provided and public hearings are held at the Planning Commission and City Council. Section 3.202 lists the notice requirements. Appeal of the decision is to the Land Use Board of Appeals (LUBA). The following actions are processed under a Type III procedure:

- A. Annexation
- B. Comprehensive Plan Map Amendments
- C. Vacation
- D. Zone Change

3.101.04 Type IV Actions

A Type IV action is a legislative review in which the City considers and enacts or amends laws and policies. Private parties cannot request a Type IV action. It must be initiated by City staff, Planning Commission, or City Council. Public notice and hearings are provided in a Type IV process.

3.101.05 Expiration of Approval

- A. Unless otherwise specifically stated, Type I and Type II approvals shall be effective for one year following final approval.
- B. Extensions may be granted in accordance with Type I or Type II procedures, depending on the type of action. An extension shall be for no more than a six month period.
- C. During the review of an extension request, the conditions of approval may be revised to reflect ordinance changes and/or changes in site conditions.

**3.102 ZONE CHANGE**

3.102.01 Process

Zone change shall be reviewed in accordance with the Type III review procedures specified in Section 3.201.

3.102.02 Application and Fee

An application for a zone change shall be filed with the City Recorder and accompanied by the appropriate fee. It shall be the applicant's responsibility to submit a complete application which addresses the review criteria of this Section.

### 3.102.03 Criteria for Approval

Zone change proposals shall be approved if the applicant provides evidence substantiating the following:

- A. The proposed zone is appropriate for the Comprehensive Plan land use designation on the property and is consistent with the description and policies for the applicable Comprehensive Plan land use classification.
- B. The uses permitted in the proposed zone can be accommodated on the proposed site without exceeding its physical capacity.
- C. Allowed uses in the proposed zone can be established in compliance with the development requirements in this Ordinance.
- D. Adequate public facilities, services, and transportation networks are in place or are planned to be provided concurrently with the development of the property.
- E. For residential zone changes, the criteria listed in the purpose statement for the proposed zone shall be met.
- F. The following additional criteria shall be used to review all non-residential changes:
  - 1. The supply of vacant land in the proposed zone is inadequate to accommodate the projected rate of development of uses allowed in the zone during the next 5 years, or the location of the appropriately zoned land is not locationally or physically suited to the particular uses proposed for the subject property, or lack site specific amenities required by the proposed use.
  - 2. The supply of vacant land in the existing zone is adequate, assuming the zone change is granted, to accommodate the projected rate of development of uses allowed in the zone during the next 5 years.
  - 3. The proposed zone, if it allows uses more intensive than



other zones appropriate for the land use designation, will not allow uses that would destabilize the land use pattern of the area or significantly adversely affect adjacent properties.

### **3.103                      CONDITIONAL USE PERMITS**

#### **3.103.01            Process**

Conditional Use Permit applications shall be reviewed in accordance with the Type II review procedures specified in Section 3.201.

#### **3.103.02            Application and Fee**

An application for a Conditional Use Permit shall be filed with the City Recorder and accompanied by the appropriate fee. It shall be the applicant's responsibility to submit a complete application which addresses the review criteria of this Section.

#### **3.103.03            Criteria for Approval**

Conditional Use Permits shall be approved if the applicant provides evidence substantiating that all the requirements of this Ordinance relative to the proposed use are satisfied, and demonstrates that the proposed use also satisfies the following criteria:

- A.     The use is listed as a conditional use in the underlying district.
- B.     The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, and location of improvements and natural features.
- C.     The proposed development is timely, considering the adequacy of transportation systems, public facilities and services, existing or planned for the area affected by the use.
- D.     The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs, or precludes the use of surrounding properties for the primary uses listed in the underlying district.
- E.     The proposal satisfies any applicable goals and policies of the Comprehensive Plan which apply to the proposed use.

### **3.104**

### **VARIANCES - MINOR AND MAJOR**

#### **3.104.01 PURPOSE**

The development standards in this Development Code protect the public health, safety and welfare by establishing standard setbacks, maximum building heights and other development standards that apply to various uses. For lands or uses with unique characteristics the intent and purpose of the development standards may be maintained while allowing for a variance to quantifiable requirements.

A minor variance may be approved for those requests resulting in no more than a 20% change in a quantifiable standard. Otherwise, any change to a quantifiable standard will require a major variance.

#### **3.104.02 Applicability**

Under the following provisions, a property owner or his designate may propose a modification or variance from a standard or requirement of this Ordinance, except when one or more of the following applies:

- A. The proposed variance would allow a use which is not permitted in the district;
- B. Another procedure and/or criteria is specified in the Ordinance for modifying or waiving the particular requirement or standard;
- C. Modification of the requirement or standard is prohibited within the district; or
- D. An exception from the requirement or standard is not allowed in the district.

#### **3.104.03 Criteria and Procedure - Minor Variance**

The City Recorder may allow a minor variance from a requirement or standard of this Ordinance in accordance with the Type I-B review procedures provided that the applicant provides evidence that the following circumstances substantially exist:

- A. The intent and purpose behind the specific provision sought to be varied is either clearly inapplicable under the circumstances of the particularly proposed development; OR,
- B. The particular development as proposed otherwise clearly satisfies the intent and purpose for the provision sought to be varied; and
- C. The proposed development will not unreasonably impact adjacent existing or planned uses and development; and

- D. The minor variance does not expand or reduce a quantifiable standard by more than 20 percent and is the minimum necessary to achieve the purpose of the minor variance; and
- E. There has not been a previous land use action approved on the basis that a minor variance would not be allowed.

#### 3.104.04 Criteria and Procedure - Major Variance

The Planning Commission may allow a major variance from a requirement or standard of this Ordinance after a public hearing conducted in accordance with the Type II review procedures provided that the applicant provides evidence that the following circumstances substantially exist:

1. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape, legally existing prior to the date of this ordinance, topography, or other circumstances over which the applicant has no control.
2. Such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by the owners of other properties in the same vicinity or district.
3. The authorization of such variance will not be materially detrimental to the public welfare or injurious to property in the vicinity or district in which property is located, or otherwise conflict with the objectives of any City plan or policy.
4. That the special conditions and circumstances on which the application is based do not result from the negligent or knowing violation of this Ordinance by the applicant.
5. The variance requested is the minimum variance which would alleviate the hardship.

#### 3.104.05 Application and Fee

An application for a variance shall be filed with the City Recorder and accompanied by the appropriate fee. It shall be the applicant's responsibility to submit a complete application, including findings that address relevant criteria, which addresses the review criteria of this Section.

### **3.105 SITE DEVELOPMENT REVIEW**

#### **3.105.01 Purpose**

The Site Development Review Process is intended to:

- A. Guide future growth and development in accordance with the Comprehensive Plan and other related Ordinances;
- B. Provide an efficient process and framework to review development proposals;
- C. Ensure safe, functional, energy-efficient developments which are compatible with the natural and man-made environment; and
- D. Resolve potential conflicts that may arise between proposed developments and adjacent uses.
- E. The site development review provisions are not intended to precluded uses that are permitted in the underlying zones.

#### **3.105.02 Application and Fee**

An application for Site Development Review shall be filed with the City Recorder and accompanied by the appropriate fee. It shall be the applicant's responsibility to submit a complete application which addresses the review criteria of this Section.

#### **3.105.03 Applicability of Provisions**

- A. Site Development Review shall be applicable to all new developments and major expansion or remodel (25% or more increase in total square footage) of existing developments except:
  - 1. Single-family detached dwellings;
  - 2. A duplex; or
  - 3. Any commercial or industrial remodel or expansion that does not exceed 25% of the total square footage of the existing structure.
- B. All of the provisions and regulations of the underlying zone shall apply unless modified by other Sections of this Code.

#### **3.105.04 Review and Approval Process**

Site Development Review applications shall be reviewed in accordance

with the Type I-B review procedures specified in Section 3.201.

3.105.05 Submittal Requirements

A. The following information shall be submitted as part of a complete application for Site Development Review:

1. Site Analysis

- a. Existing site topography;
- b. Identification of areas exceeding 10% slopes;
- c. Site drainage, areas of potential flooding;
- d. Areas with significant natural vegetation;
- e. Classification of soil types;
- f. Existing structures, roadway access and utilities; and
- g. Fire flow information.

h. Existing and proposed streets, bikeways, and pedestrian facilities within 200 feet.

2. Site Plan

- a. Proposed grading and topographical changes;

All proposed structures including finished floor elevations and setbacks;

- c. Vehicular, bicycle, and pedestrian circulation patterns, parking, loading and service areas;
- d. Proposed access to public roads, highways, bikeways, pedestrian facilities, railroads or other commercial or industrial transportation systems;
- e. Site drainage plan including methods of storm drainage, sanitary sewer system, water supply system and electrical services. Invert elevations may be required for all underground transmission lines;
- f. Proposed landscape plan, to include appropriate visual screening and noise buffering, where

necessary, to ensure compatibility with surrounding properties and uses;

- g. Proposed on-premise signs, fencing or other fabricated barriers, together with their heights and setbacks;
- h. Proof of ownership and signed authorization for the proposed development if applicant is not the owner of the site; and
- i. A schedule of expected development.

### 3.105.06 Evaluation of Site Development Plan

The review of a Site Development Plan shall be based upon consideration of the following:

- A. Conformance with the General Development Standards contained in this Ordinance including:
  - 1. Streets
  - 2. Off-street parking
  - 3. Public facilities, including storm drainage, and utility lines
  - 4. Signs
  - 5. Site and landscaping design
- B. Characteristics of adjoining and surrounding uses;
- C. Drainage and erosion control needs;
- D. Public health factors;
- E. Traffic safety, internal circulation and parking, connectivity of internal circulation to existing and proposed streets, bikeways and pedestrian facilities;
- F. Provision for adequate noise and/or visual buffering from non-compatible uses;
- G. Retention of existing natural features on site; and
- H. Problems that may arise due to development within potential hazard areas.



- I. Connectivity of internal circulation to existing and proposed streets, bikeways and pedestrian facilities.

#### 3.105.07 Access

As part of the design review process, the City may impose the following conditions on a new or expanding development:

- A. Limit or prohibit access to local streets which principally serve residential uses
- B. Require a traffic impact analysis
- C. Limit or prohibit access to Highway 99W
- D. Require the dedication of additional right-of-way and/or street improvements where necessary to meet City street standards

#### 3.105.08 Expiration of Approval

- A. Site Development Review approval shall be effective for a period of one year from the date of approval. If substantial construction of the approved plan has not begun within the one year period, the approval shall expire.
- B. Site Development Review approval shall be voided immediately if construction on the site is a departure from the approved plan.
- C. The City Recorder shall upon written request by the applicant and payment of the required fee, grant an extension of the approval for a period not to exceed six months provided that:
  - 1. No changes are made to the approved Site Development Plan;
  - 2. The applicant can show intent to initiate construction on the site within the six month extension period; and
  - 3. There have been no changes in existing conditions, facts, or applicable policies or ordinance provisions on which the original approval was based.

#### 3.105.09 Financial Assurances

All public utility improvements required by this ordinance or as conditions of approval shall be completed prior to the issuance of any building

permits for any structures within the subject development. If the Applicant requests approval to record or obtain a building permit before all required public utility improvements have been constructed and all conditions of approval have been met by the Applicant and accepted by the City, the Applicant shall provide a security guarantee satisfactory to the City that all improvements will be constructed in conformance with all City standards and ordinances and all conditions of approval will be satisfied. In no case shall an occupancy permit be issued prior to the completion of all required improvements and conditions of approval and acceptance by the City.

### **3.106**

### **PARTITIONS**

#### **3.106.01 Area of Application**

A partition is required for any land division which creates two or three parcels in a calendar year. The parcels shall meet the Development Standards for Land Division of Section 2.208, other applicable development standards and the following additional requirements:

- A. Access: Each parcel shall meet the access requirements of Subsection 2.208.03.
- B. Each parcel shall satisfy the dimensional standards of applicable zoning district, unless a variance from these standards is approved.
- C. Adequate public facilities shall be available to serve the existing and newly created parcels.

#### **3.106.02 General Provisions**

- A. Partition approval is valid in perpetuity, upon recording of the final surveyed plat.
- B. No parcel within an approved partition may be redivided within the same calendar year in which it was recorded, except through the subdivision process.
- C. A master plan for development is required for any application which leaves a portion of the subject property capable of replatting.

#### **3.106.03 Submittal Requirements for Preliminary Review**

- A. Applications for partitions shall be submitted on forms provided by the City to the City Recorder and accompanied by the appropriate fee. It shall be the applicant's responsibility to submit a complete application which addresses the review criteria of this Section.
- B. The applicant shall prepare and submit a preliminary plan and other supplemental information as may be required to indicate the general program and objectives of the development. The preliminary plan shall show pertinent information to scale to facilitate the review of the proposed development.
  - 1. General Information. The following general information shall be shown on the tentative plan:
    - a. Vicinity map sufficient to define the location and boundaries of the proposed development.

- b. North arrow, scale of drawing, and date the drawing was made. The preliminary plan shall be drawn to scale of not more than one inch equals 200 feet.
- c. Appropriate identification that the drawing is a preliminary plan.
- d. Names, addresses and phone numbers of the land owner and applicant, as well as the engineer, surveyor, planner, other individuals responsible for the plan.
- e. Tax map and tax lot number or tax account of the subject property.
- f. Location of important features such as section, zoning or political boundary lines.

2. Existing Conditions:

- a. Location and width of existing streets and right-of-ways within or adjacent to serving the proposed development.
- b. Location of all existing easements within the property.
- c. Location of City utilities (water, sanitary sewer, storm drainage) within or adjacent to the property proposed for use to serve the development.
- d. Gradient and direction of slope by means of arrows or other suitable symbols.
- e. The location and direction water courses or drainage swales on the subject property, including any wetlands and flood areas.
- f. Existing uses of the property, including location of existing structures on the property. It should be noted whether the existing structures are to be removed or to remain on the property.
- g. Location of natural features such as rock outcroppings, wetlands, wooded areas.
- h. Location of properties within the 100 year flood plain and other areas subject to flooding or ponding.

Zoning of the property adjacent to the tract on all sides.

3. Proposed Plan:

- a. Location, width, names, approximate grades and radii of curves of any proposed streets within the development, including the relationship to any existing streets.
- b. Locations, approximate dimensions and area in square feet of all proposed parcels. All parcels shall be numbered consecutively.
- c. Location, width and purpose of any proposed easements.
- d. Sites, if any, allocated for purposes other than single-family dwellings.
- e. All roads, bikeways, pedestrian facilities, public or private, easements or right-of-way to or within the subject property, including name and road width, where applicable.

4. Supplemental Information

- a. A preliminary title report issued in the name of the owner of the land by a title insurance company, showing all parties with a title or interest in the property and whose consent is necessary, as well as all existing easements, restrictions, covenants and other encumbrances pertaining to the subject property.
- b. Proposed deed restrictions, if any, in outline form.

3.106.04 Process for Preliminary Review

Preliminary plats for partitions shall be reviewed in accordance with the Type I-B review procedures specified in Section 3.201.

3.106.05 Final Plat

Final plats shall conform with the requirements of Section 3.107.04 and shall be reviewed in accordance with Section 3.107.05.

### **3.107**

## **SUBDIVISIONS AND PLANNED UNIT DEVELOPMENTS**

### **3.107.01 General Provisions**

- A. All subdivisions and PUDs shall conform to all applicable Zoning District Standards, development standards and other provisions of this Ordinance.
- B. A Master Plan for development is required for any application which leaves a portion of the subject property capable of redevelopment.

### **3.107.02 Submittal Requirements**

- A. The following submittal requirements shall apply to all major partition applications and to Preliminary Plan applications for subdivisions and PUDs.
  - 1. All applications shall be submitted on forms provided by the City to the City Recorder along with the appropriate fee. It shall be the applicant's responsibility to submit a complete application which addresses the review criteria of this Section.
  - 2. In addition to the information listed in Subsection 3.106.03 of this ordinance, applicants for subdivisions, and planned unit developments shall submit the following:
    - a. Name of the PUD or subdivision.
    - b. Identification of each lot or parcel and block by number.
    - c. Gross acreage of property being subdivided or partitioned.
    - d. Direction of drainage and approximate grade of abutting streets.
    - e. Streets proposed and their names, approximate grade, and radius of curves.
    - f. Any other legal access to the subdivision, PUD or partition other than a public street.
    - g. Contour lines related to an established bench mark on City datum, having the following minimum intervals:
      - (1) Areas with less than 5% slope: One foot

- contours
- (2) Areas with slope between 5% and 10%: Two foot contours.
- (3) Areas with slope greater than 10%: Five foot contours.

h. All areas to be offered for public dedication.

B. The following supplemental information shall be required for all PUD Preliminary Plan applications:

1. Proposed uses on the property, including sites, if any, for attached dwelling units, recreational facilities, parks and playgrounds or other public or semi-public uses, with the purpose, condition and limitations of such reservations clearly indicated.
2. Designation of the location of the building pads, or areas, or setback lines or setback standards for all buildings to be constructed.
3. Architectural renderings of the proposed residential and commercial buildings and structures
4. The approximate location and dimensions of all commercial or multi-family structures proposed to be located on the site.
5. Calculations justifying the proposed density of development as required by Subsection 2.302.05 of this Ordinance.
6. Landscaping plan indicating location of existing vegetation and proposed improvements.
7. Statement of improvements to be made or installed including streets, sidewalks, bikeways, trails, lighting, tree planting, landscaping, and time such improvements are to be made or completed.
8. Written statement outlining proposals for ownership and maintenance of all open space areas and any commonly owned facilities.

### 3.107.03 Review Procedures

- A. All Preliminary Plans for subdivisions and PUDs shall be heard by the Planning Commission pursuant to the procedures set forth in Section 3.203.
- B. Approvals of any preliminary plans for a subdivision or PUD shall be

valid for one year after the date of the written decision. A Final Plat for a subdivision shall be recorded within this time period or the approvals shall lapse. PUDs which do not involve the subdivision of property shall show substantial progress toward the construction of the project within the one year period or the approval shall lapse.

- C. The Planning Commission, after holding a hearing may extend the approval period for any subdivision or PUD for not more than one (1) additional year at a time. Requests for extension of approval time shall be submitted in writing thirty (30) days prior to the expiration date of the approval period.
- D. If the approval period is allowed to lapse, the applicant must resubmit the proposal, including all applicable fees, for public hearing before the Planning Commission. The applicant will be subject to all applicable standards currently in effect.
- E. Review Criteria. Approval of a subdivision or PUD shall require compliance with the following:
  - 1. Subdivision:
    - a. Each lot shall satisfy the dimensional standards and density standard of the applicable zoning district, unless a variance from these standards is approved or the development standards permit a modification of these requirements.
    - b. Adequate public facilities shall be available to serve the existing and newly created parcels.
    - c. The proposal shall comply with the applicable development standards in Section 2.310 of this Ordinance.
  - 2. Planned Unit Development:
    - a. Evidence shall be submitted indicating conformance with provisions in Section 2.302.01, Purpose Statement and Section 2.302.02, Objectives of this Ordinance.
    - b. The proposal shall comply with the applicable development and layout provisions contained in Section 2.302.05 of this Ordinance.
    - c. Adequate public facilities shall be available to serve the proposed development.



### 3.107.04 Final Plat Requirements

- A. Preparation: The final plat shall be submitted to the City in a form and with information consistent with this ordinance, County survey and map standards and State laws including ORS 92.050-120 for plats of record and ORS 209.250 for surveys. Where these ordinances directly conflict with State or County laws, ordinances or regulations, the provisions of the State and County laws, ordinances or regulations shall apply.
- B. Number of Copies: The applicant shall submit three (3) identical reproducible copies of the final plat for signature. The plats shall be mylar, meeting the requirements of the County Recorder and the County Surveyor.
- C. Information Required: In addition to any information specified by current State law or County regulations, the following information shall be shown on the final plat:
  - 1. City planning docket number and name of development (if applicable). All plat names shall conform to ORS 92.090.
  - 2. Scale of drawing (in multiples of ten), north arrow, legend and controlling topography such as creeks, ditches and other bodies of water, highways and railroad rights-of-way.
  - 3. Location of survey by quarter section, township and range on all sheets, as well as by subdivision, block and lot where applicable (ORS 209.250).
  - 4. Date of the survey, reflecting the date the monuments were established. (ORS 209.250).
  - 5. Name of party for whom the survey was conducted (ORS 209.070), and the surveyor's seal and original signature on each page and business name and address (ORS 209.250), as well as the expiration date of surveyor's certificate of registration (OAR 820-10-620).
  - 6. All newly created parcels of less than or equal to 10 acres in size shall be surveyed. If the plat contains parcels which were not surveyed, the Surveyor's Certificate shall so indicate.
  - 7. The area of each lot shall be shown in square feet. For parcels larger than one acre, the area shall be shown to the nearest hundredth of an acre.

8. Lot or parcel numbers beginning with the number "1" and continuing consecutively without omissions or duplication.
9. Identification of land to be dedicated for any purpose, public or private, to distinguish it from lots or parcels intended for sale. The following phrases shall be used when identifying open space dedications:
  - a. **COMMON OPEN SPACE:** Used to identify those parcels of land created for the purpose of common ownership, enjoyment and maintenance by an approved homeowner's association or is listed as being held in common ownership, with appropriate deed restrictions and responsibilities, by owner's of property within the development.
  - b. **PUBLIC OPEN SPACE:** Used when identifying those parcels of land dedicated to the City for open space purposes.
10. Basis of bearing between found monuments shall be identified (ORS 209.250). Reference points of existing surveys identified and related to the plat by distances and bearings shall be referenced to County Surveyor records including:
  - a. Stakes, monuments or other evidence found on the ground and used to determine the boundaries of the tract.
  - b. Adjoining lot corners of adjoining parcels or subdivisions.
  - c. Other monuments found or established in making the survey of the subdivision or partition or required to be installed by provisions of this ordinance.
11. The exact name (and number where applicable), location, bearing or deflection angle and width of streets and easements intercepting the boundary of the tract shown.
12. Water rights (ORS 92.120):
  - a. If there are not water rights appurtenant to the tract, a statement shall be placed on the final plat which states that the parcels identified within this development DO NOT have a water right.

- b. If any portion of the tract does have water rights, a water rights statement with the water rights certificate number shall be placed on the final plat. A copy of the plat shall be provided to the Water Resources Department by the person offering the plat for filing.
- 13. Surveyor's Certificate (ORS 92.070) accurately describing the tract of land upon which the parcels are laid out (legal description of the tract boundaries).
- 14. Surveyor's narrative which describes the purpose of the survey, how the boundary lines or other lines were established or re-established, and which deed records, survey records, found monuments, plat or any other pertinent data were controlling when the lines were established or re-established.
- 15. A Declaration (owner's statement) shall be included on the plat. The declaration shall be taken before a notary public. If the declarant is not the person having deed title, both the person having deed title and the declarant shall sign the declaration. The fee owner, vendor or mortgage or trust deed beneficiary may record an affidavit consenting to the partition or subdivision. This shall be noted on the plat. If the plat contains a dedication or donation of land to public purposes, the mortgage or trust deed beneficiary shall sign the declaration.
- 16. The surveyor submitting any plat that is within one-half mile of an established geodetic control monument that has been approved by the National Geodetic Survey, or has been approved by and filed with the County surveyor, shall by field survey show the bearing or angle and distances from the geodetic control monument to the initial point of the plat. If there is no geodetic control monument within one-half mile of the plat, it shall be so noted on the plat.
- 17. Location, dimensions, bearing and purpose of all recorded and proposed public and private easements along with the County Clerk's recording reference if the easement has been recorded with the County Clerk. Easements shall be denoted by fine dashed lines. The conditions of all easements shall be noted on the final plat or recorded on separate easement forms as approved by the City.

D. Monumentation:

- 1. All monumentation shall meet the requirements of State law (ORS 92.060) and County requirements, and shall include the following where applicable:

- a. Road intersections, centerline points of curve and points of tangent, or centerline points of intersection of the curve of all streets and roads.
  - b. The initial point shall be marked with a monument on the exterior boundary of the plat. The location of the monument shall be with reference by survey to a section corner, quarter corner, sixteenth corner, Donation Land Claim corner, boundary corner of a recorded plat, or to a monumented lot corner.
  - c. All points on the exterior boundary where the boundary line changes direction.
  - d. All interior lot corners, except cemetery lots.
2. Post Monumentation (ORS 92.065 & 92.070):
- a. Prior to approval of the plat by the surveyor serving the City, the person subdividing or partitioning the land shall furnish to the County surveyor a bond, cash deposit or other security in the amount equal to 120 percent of the cost to complete the monumentation.
  - b. A certificate shall be included on the plat that the surveyor will establish the monuments on or before a certain date, including a post monumentation recording statement. If post monumentation is to be phased, a post monumentation recording statement for each phase shall be on the plat.

F. Endorsements required: The following endorsements represent the minimum required for a final plat. Additional endorsements required by State or County, or City laws, ordinances or regulations shall also be supplied. Signature blanks for these endorsements shall be provided on the final plat.

- 1. City Recorder.
- 2. Mayor.
- 3. City Engineer.
- 4. Signature blanks for the Mayor with acceptance declaration for dedications of land to public use (other than public utility easements).
- 5. The surveyor serving the City certifying that subdivision plat

complies with the applicable survey laws.

6. The County Board of Commissioners, if required.
7. Where applicable, the approval signatures thereon of the Board of Directors, or Board's delegate, or any irrigation district, drainage district, water control district or district improvement company if the development is within such district.
8. County Assessor.
9. The County Tax Collector, with certification statement that all taxes on the property have been paid or bonded for, in accordance with State law.
10. County Recorder's Statement for filing.

G. Supplemental Information with Final Plat:

1. An amended title report or subdivision guarantee, as appropriate, issued by a title insurance company in the name of the owner of the land, showing all parties with a title or interest in the property and whose consent is necessary, as well as all existing easements, restrictions, covenants and other encumbrances pertaining to the subject property.
2. Copy of any dedication requiring separate documents.
3. Where applicable, all Homeowner's Agreements, Articles and By-Laws shall be submitted with the final plat for review by the City Attorney.
  - a. The final plat shall not be approved by the City until the Homeowner's Association Agreement, Articles and By-Laws are approved.
  - b. The Homeowner's Association Agreement shall be consistent with State law, including ORS 94.
  - c. A Certificate of Formation of a non-profit corporation for the Homeowner's Association, with a State Seal, shall be submitted with the final plat for review by the City.
  - d. Signed, original documents of the Homeowner's Association Agreement, Articles and By-Laws and the certificate of Formation shall be recorded with the final plat.

4. Maintenance Agreements for common property or common access easements shall be submitted with the final plat for review by the City Attorney.

3.107.05 Process for Final Plat Approval

- A. Within one (1) year of the final decision approving a preliminary plat, a final approved plat shall be recorded with the County Recorder. If the final plat is not recorded within one (1) year, the preliminary approval shall lapse.
- B. A final plat shall be submitted to the City Recorder. After the final plat has been submitted, the City Staff shall review and compare it with the approved tentative plan to ascertain whether the final plat conforms substantially to the approved tentative plan and with such conditions of approval as may have been imposed.
- C. No final plat shall be approved unless:
  1. The plat is in substantial conformance with this Ordinance and the provisions of the tentative plan as approved, including any conditions imposed in connection therewith;
  2. The plat contains free and clear of all liens and encumbrances a donation to the public of all common improvements, including but not limited to streets, roads, sewage disposal and water supply systems, the donation of which is required by this Ordinance or was made a condition of the approval of the tentative plat;
  3. Explanations of all common improvements required as conditions of approval of the tentative plan have been recorded and referenced on the plat;
  4. All reserve blocks shown on the tentative plan or required as conditions of tentative plan approval have been deeded in fee simple to the City;
  5. The City has received adequate assurances that the applicant has agreed to make all public improvements which are required as conditions of approval of the tentative plan, including but not limited to streets, alleys, pedestrian ways, storm drainage, sewer and water systems. The following constitute acceptable adequate assurances:
    - a. Certification by the City Engineer that all required public improvements are completed and approved by the City;  
or
    - b. An improvement agreement between the City and the

developer, executed and filed with the City requiring the subdivider to complete all required improvements, both public and private, within a time specified by the City after approval of the preliminary plan. The agreement shall be accompanied by a performance guarantee acceptable to the City Engineer. If all improvements are not be completed within the term of the agreement or its extension, the City shall estimate the cost of completing the work, call upon the bond or deposit for funds necessary to cover the cost, and complete the improvement from funds collected under the performance guarantee. If the funds collected under the performance guarantee are insufficient to install the required improvements, the City may either hold the collected funds until additional funds are authorized for the improvement or expend the collected funds on a revised improvement or on a portion of the improvements as determined reasonable by the Director of Public Works.

- D. If the City Recorder finds that conditions specified in subsection (C) of this section have not been met, the applicant shall be advised of the changes that must be made and afforded the opportunity to comply. Rejection of a final plat shall not affect the tentative plan approval.
- E. When the City Recorder finds that the final plat is in substantial conformity to the approved tentative plan and is otherwise in lawful form, the City Recorder shall sign and date all three reproducible copies of the plat.
- F. Following endorsement of the plat by the City Recorder, the Mayor and the City Engineer, the applicant shall take the following actions and pay all required review fees:
  - 1. As required by ORS 92.100, obtain the approval signature thereon by the surveyor serving the City certifying that subdivision plat complies with the applicable survey laws. Before certifying, the surveyor may cause field investigations to be made to verify that the plat survey is sufficiently accurate. If it is determined that there has been a failure to comply, the applicant shall be notified and afforded an opportunity to make corrections. When the plat is found to conform, it shall be signed and dated by the surveyor.
  - 2. As required by ORS 92.110, obtain the approval signatures thereon of the Board of Directors, or Board's delegate, of any irrigation district, drainage district, water control district or district improvement company if the development is within such district.
  - 3. Obtain the approval signatures thereon of the County Board of Commissioners, if required.

4. Obtain the approval signature thereon of the County Assessor and Tax Collector, certifying that all taxes on the property have been paid or bonded for in accordance with State law.
5. Obtain any other approval signature required by State, County or City laws, ordinances or regulations.
6. Deliver the approved subdivision plat and accompanying documents to the County Recorder for recording.
7. Deliver a signed mylar copy and three blueprints of the approved subdivision plat to the City Recorder's office.

G. Post Monumentation:

1. The applicant shall notify the City Recorder and County Surveyor in writing of the payment to the surveyor for performing the post monumentation work.
2. The applicant's surveyor shall notify the applicant and the County Surveyor of the monumentation.
3. The applicant's surveyor shall cause a separate affidavit to be filed for recording that the surveyor has correctly performed the post monumentation. The affidavit shall include the following:
  - a. Any monument that cannot be set shall be noted and reference monuments shall be set.
  - b. If another surveyor completes the monumentation, the surveyor's seal and signature shall be placed on the original plat and all exact copies filed.

H. Effective Date for Final Plat Approval. The approval process for a development shall become final upon the recording of the approved final plat together with any required documents with the County Recorder. Approved final plats shall become void one year after final City approval if they are not recorded.

**3.108 SIMILAR USES**

3.108.01 Purpose and Scope

The purpose of this Section is to provide for those uses not specifically listed in a particular zoning district but which are similar in character, scale and performance to the permitted uses specified therein.

3.108.02 Application and Fee

Any application for a similar use shall be filed with the City Recorder and accompanied by the appropriate fee. It shall be the applicant's responsibility to submit a complete application which addresses the review criteria of this Section.



3.108.03 Process

Similar use requests shall be reviewed in accordance with the Type II review procedures.

3.108.04 Review Criteria

A similar use may be authorized provided that the applicant demonstrates that the proposed use satisfies the following criteria:

- A. The use is consistent with the purpose of the underlying zoning district and is similar in character, scale and performance to permitted uses specified in the underlying district.
- B. The use conforms with the applicable standards and limitations of the underlying zoning district.

3.108.05 Determination

- A. In approving an application for a similar use, the Planning Commission may:
  - 1. Determine whether the use is prohibited, permitted or conditionally permitted in the specified zone.
  - 2. Determine whether the use is permitted or conditionally permitted in a different zone.
  - 3. Consistent with the development requirements of the identified zone, determine whether additional land use actions, such as conditional use approval or a site plan review, are required.
- B. The determination by the Planning Commission that a proposed similar use cannot be accommodated in a given zone does not preclude an application, by the appropriate party, for an amendment to the text of the Comprehensive Plan and/or Development Code.

### **3.109**

### **NONCONFORMING USES**

#### **3.109.01 Purpose and Scope**

Within the zoning districts established by this Ordinance and amendments thereto, uses and structures exist which were lawful before the date of adoption or amendment of this Ordinance but which would be prohibited or restricted under the terms of this Ordinance. The general purpose of this Section is to encourage the conversion of such nonconforming uses to conforming uses. However, this Section allows nonconforming uses and structures to be continued, altered, restored or replaced subject to satisfaction of the review criteria specified in Section 3.109.03. Nothing contained in this Ordinance shall require any change in the plans, construction, or designated use of any structure for which a building permit was issued and actual construction commenced prior to the date of adoption of this Ordinance or any amendment thereto. However, no alteration of a nonconforming use shall be permitted except in compliance with the provisions of this Section.

#### **3.109.02 Application and Fee**

An application for an alteration or expansion of a nonconforming use shall be filed with the City Recorder and accompanied by the appropriate fee. It shall be the applicant's responsibility to submit a complete application which addresses the review criteria of this Section. Nonconforming use requests shall be heard by the Planning Commission pursuant to the provisions of Sections 3.202 and 3.203.

#### **3.109.03 Discontinuation of Use**

If a non-conforming use is discontinued for a period of more than twelve (12) consecutive months, the use shall not be resumed unless the resumed use conforms with the requirements of the Ordinance and other regulations applicable at the time of the proposed resumption.

#### **3.109.04 Alterations Required by Law**

The alteration of any nonconforming use when necessary to comply with any lawful requirement for alteration of the use or structure shall be permitted, subject to all other laws, ordinance and regulations.

#### **3.109.05 Maintenance**

Normal maintenance of a nonconforming use is permitted provided there are not major structural alterations as determined by the City Building Inspector.

#### **3.109.06 Alteration, Restoration, or Replacement**

- A. The City Recorder shall authorize restoration or replacement of a nonconforming use or structure when restoration or replacement is made necessary by fire, casualty, or natural disaster, provided the physical restoration or replacement is lawfully commenced within one (1) year of the damage or destruction.

- B. The alteration of a nonconforming use or structure may be authorized by the Planning Commission, subject to the Type II review procedure, provided that the applicant demonstrates that the proposal satisfies the following criteria:
1. That the alteration of structures would result in a reduction in nonconformity of the use, or would have no greater adverse impact on the neighborhood
  2. If a change in use is requested, the non-conforming use would not be replaced by another non-conforming use (Replacement of a non-conforming use by a use in the same land use category shall not be considered a change of use).

3.109.07 Conditions of Approval

In approving the alteration, restoration, or replacement of a nonconforming use, the Planning Commission may impose such conditions as it deems appropriate to ensure that the intent of this Section is carried out. Such conditions shall be reasonably related to the criteria set forth in Subsection 3.109.03.

### **3.110 LOT LINE ADJUSTMENTS**

#### **3.110.01 Area of Application**

A lot line adjustment is a change to a property boundary that only modifies existing lots and does not create a new parcel of land or reduce the number of lots.

#### **3.110.02 Standards**

- A. A lot line adjustment cannot create or vacate a parcel. Creation or vacation of a parcel requires approval of a land division.
- B. Following the lot line adjustment, all lots must comply with lot size and dimensional standards of the applicable land use district. For non-conforming lots, the adjustment shall not increase the degree of non-conformance of the subject property or surrounding properties.
- C. If there are existing structures on the parcels, the lot line adjustment may not result in a setback violation.
- D. The adjustment should not reorient or significantly reconfigure the lots or parcels.
- E. Lot line adjustments resulting in an alteration exceeding 10% of the total land area of the smallest affected parcel shall require approval under the minor partitioning procedures.

#### **3.110.03 Submittal Requirements**

The following information and material must be submitted by the applicant:

- A. Applications for lot line adjustments shall be submitted on forms provided by the City to the City Recorder and accompanied by the appropriate fee. The application must be signed by the owners of all lots affected by the application.
- B. In addition, the following information shall be submitted by the applicant:
  - 1. Copies of the officially recorded title transfer instrument (deed, warranty deed, or contract) that shows the legal description for the affected parcels.
  - 2. Copies of the County Assessor's maps for both properties.
  - 3. A written statement which explains the applicants reasons for adjusting the boundaries and demonstrating that the adjustment conforms to City land use policies and regulations of the applicable zone.
  - 4. The applicant(s) shall certify in writing that the application does not violate any deed restrictions that may be attached to or imposed upon the subject property.

5. A list of all property owners within the notification area consisting of all properties within 100 feet of the subject properties in all directions.

#### 3.110.04 Review Process

A lot line adjustment is subject to Type I-A review.

After a lot line adjustment is approved, the new boundary becomes effective only after the following steps are completed:

- A. A metes and bounds legal description of the adjusted lots is recorded with the Yamhill County Clerk.
- B. If required by ORS Chapter 92 or the requirements of this ordinance, a final plat and boundary survey are prepared and all new boundaries are monumented as required by ORS Chapters 92 and 209. The final plat is submitted to the City for signatures and approval as outlined in Sections 3.107.04 and 3.107.05.

### **3.111 ANNEXATIONS**

#### **3.111.01 Authority of City to Annex**

The boundary of the City may be extended by the annexation of territory not then within the City and which territory is within the City's Urban Growth Boundary and contiguous to the City or separated from it by a stream or right-of-way only.

#### **3.111.02 General Annexation Procedure**

- A. Following submission of annexation proposal or initiation, the City Recorder shall set a date for hearing with the City. Notice shall be pursuant to the proposed method of annexation.
- B. The Planning Commission shall hear testimony and shall recommend approval or denial of the proposed annexation and submit such recommendation to the Council within 10 days for the hearing. The Planning Commission's decision shall, in a written form, state the rationale used in justifying the decision, and that the decision is in conformance with the City's comprehensive plan. For all annexations the decision shall state how the proposal will:
  - 1. Affect the community's air resources;
  - 2. Promote an orderly, timely and economical transition of rural and agricultural lands into urbanized lands;
  - 3. Relate to areas with natural hazards;
  - 4. Affect the fish and wildlife in the proposed annexation;
  - 5. Utilize energy resources and conserve energy use;
  - 6. Protect open spaces and scenic views and areas;
  - 7. Provide for transportation needs in a safe, orderly and economic manner;
  - 8. Provide for an orderly and efficient arrangement of public services;
  - 9. Provide for the recreation needs of the citizens;
  - 10. Affect identified historical sites and structures and provide for the preservation of such sites and structures;
  - 11. Improve and enhance the economy of the City; and
  - 12. Provide quality, safe housing through a variety of housing types and price ranges.
- C. The City Recorder shall set a date for a public hearing with the Council upon receipt of the Planning Commission's recommendation. Notice shall be pursuant to the proposed method of annexation. After considering all

testimony the Council shall sustain or reverse the Planning Commission's recommendation. The Council shall, in a written form, state the rationale used in justifying the decision, and that the decision is in conformance with the City's comprehensive plan. The decision shall state how the proposed annexation will address the criteria stated in 3.111.02 (B).

#### 3.111.03 Annexation by Election

- A. The Council, upon approval of the annexation proposal, has the authority to submit, except when not required under ORS. 222.850 to 222.915, to dispense with submitting the proposal for annexation to the registered voters of the City.
- B. The proposal for annexation may be voted upon at a general election or at a special election to be held for that purpose. The proposal for annexation may be voted upon by the voters of the City and of the territory simultaneously or at different times not more than twelve months apart.
- C. Two or more proposals for annexation may be voted upon simultaneously; however in the City each proposal shall be stated separately on the ballot and voted on separately, and in the territory proposed for annexation no proposal for annexing other territory shall appear on the ballot.
- D. The Council shall give notice of each annexation election by publication prior to such election one each week for four successive weeks in a newspaper of general circulation in the City. Whenever simultaneous elections are held, the same notice and publication shall fulfill the requirements of publication for the City election and the election held in the territory. Notice shall also be given by posting notices of the election in four public places within the City if votes are to be cast therein and four public places in each territory proposed to be annexed for a like period as provided in this section for publication of notice. The notice shall distinctly state the proposition to be submitted, shall contain a legal description of, and a map indicating the boundaries of each territory proposed to be annexed, and the registered voters shall be invited thereby to vote upon such annexation. The Council shall also designate and the notice shall state the hours during which the polls will be open within the City and each territory proposed to be annexed. If the election is to be held at the usual precinct polling places designated for a general election held at that time, or if the election is not held at the same time as a general election, but is held at the same polling places used for the last preceding general election, the notice shall so state; if any polling place is to be different than the regular polling places, the notice shall describe the location of the polling places to be used in the area or precincts in which the polling places are different.

#### 3.111.04 Annexation Procedure Without City Election

- A. By ordinance, the Council may elect to dispense with submitting the annexation proposal to the registered voters of the City, set a date for public hearing, at which time the registered voters of the City can be heard on the annexation proposal.

- B. Notice of the public hearing shall be published once a week for two successive weeks prior to the day of the hearing, in a newspaper of general circulation in the City, and posted in four public places in the City for a like period.
- C. Written notice shall be given to all property owners within the boundaries of the proposed annexation and within 500 feet of the external boundaries of the proposed annexation.
- D. After the public hearing the Council, by ordinance subject to referendum, and containing a legal description of the proposed annexation:
  - 1. Declare that the territory is annexed to the City upon the condition that the majority of the votes cast in the territory is in favor of annexation;
  - 2. Declare that the territory is annexed to the City where persons with land ownership in the proposed territory consent in writing to such annexation as provided in Section 3.200.

3.111.05      Annexation Procedure with Election in Proposed Territory

- A. The Council need not call or hold an election in any contiguous territory proposed to be annexed, or post notice in the contiguous territory, if more than half the owners of land in the territory, who also own more than half of the land in the contiguous territory and of real property therein representing more than half of the assessed value of all real property in the contiguous territory consent in writing to the annexation of their land in the territory and file the annexation proposal on or before the day:
  - 1. The public hearing procedure shall be pursuant to Subsections 3.111.02 (A) and (B); and Subsections 3.111.04 (B), and (C). If the Council dispenses with submitting the question to the registered voters of the City; or
  - 2. The Council takes the necessary action to call the annexation election in the City under Subsection 3.111.03 (D), if the Council submits the question to the registered voters of the City.

3.111.06      Island Annexation

- A. It is within the power and authority of the City by ordinance subject to referendum, to annex land, provided it is not an incorporated City, that is surrounded by the corporate limits or boundaries of the City, with or without consent of any property owner or resident in the territory.
- B. Notice and procedure for public hearing shall be provided pursuant to the provisions of Section 3.111.02.
- C. If the Council elects to submit the questions to the registered voters of the City, procedure shall be pursuant to Subsection 3.111.03.



3.111.07      Submission of Annexation Reports

- A.      The City shall report all changes in the boundaries or limits of the City to the County Clerk and County Assessor. The report shall contain a legal description of the new boundaries and shall be filed within 10 days from the effective date of the change of any boundary lines.
- B.      With the exception of "Island Annexation" the City Recorder shall submit to the Secretary of State:
  - 1.      A copy of the annexation ordinance;
  - 2.      An abstract of the vote within the City if votes were cast therein, which shall show the whole number of registered voters voting therein on the annexation, the number of votes cast against annexation;
  - 3.      A copy of the statement of consent of landowners in the territory annexed;
  - 4.      A copy of the ordinance of the City declaring that no election is required in the City; and
  - 5.      An abstract of the vote upon the referendum if a referendum petition was filed with respect to the deferred ordinance.

3.111.08      Effective Date of Annexation

The annexation shall be complete from the date of filing with the Secretary of State as provided in ORS 222.150, 222.160, 222.170, 111.900, and Subsection 3.111.07 (B). Thereafter, the annexed territory shall be and remain part of the City. The date of such filing shall be the effective date of annexation, provided such filing is not made later than 90 days prior to any general or primary election; otherwise, the effective date of such annexation shall be the day after the primary or general election next following the date of filing.

#### 3.111.09 Zone Designation of Annexed Property

The City Council shall establish the appropriate Plan designation and zoning upon annexation of property to the City.

## CHAPTER 3.200 - ADMINISTRATIVE PROCEDURES

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### **3.201 GENERAL PROCEDURES**

3.201.01 Procedure for Type I-A Review

Applications subject to administrative review shall be reviewed and decided by the City Recorder.

- A. Upon receipt of an application for a Type I-A land use action, the City staff shall review the application for completeness.
  - 1. Incomplete applications shall not be reviewed until all required information has been submitted by the applicant.
  - 2. If incomplete, the applicant shall be notified and provided additional time of up to 30 days to submit supplemental information as necessary.
- B. The application shall be deemed complete for the purposes of scheduling the hearing and all related timing provisions either:
  - 1. Upon receipt of the additional information; or, if the applicant refuses to submit the information;
  - 2. On the 31st day after the original submittal the application shall be deemed complete for review purposes.
- C. Referrals may be sent to interested agencies such as City departments, the school district, utility companies, and applicable state agencies.
- D. If the staff finds that the facts of the particular case require interpretation of existing standards, then a public hearing before the Planning Commission shall be scheduled. The procedures for conducting the public hearing shall comply with the standards in Sections 3.203.
- E. Referrals will be sent to interested agencies such as City departments, police and departments, school district, utility companies, and applicable state agencies. If a county road or state highway is impacted, referrals should be sent to the appropriate agency responsible for the road or highway.
- F. Notice shall be provided consistent with Section 3.202.01.
- G. A Type I-A land use decision may be appealed by the applicant to the Planning Commission. The appeal shall be filed within ten (10) days from the date of the decision, pursuant to the provisions of Section 3.205.
- H. The timing requirements established this Section are intended to allow a final action, including resolution of any appeals, within one hundred twenty (120) days of receipt of a complete application. If

for any reason it appears that such final action may not be completed within the 120 day period, unless the time period is voluntarily extended by the applicant, the following procedures shall be followed regardless of other processes set forth elsewhere in this Ordinance.

1. The City staff shall notify the City Council of the timing conflict by the 95th day. The City Council shall, in accordance with its own procedures, set a time for an emergency meeting within the 120 day period.
2. Public notice shall be mailed to affected parties as specified in Section 3.202.
3. The City Council shall hold in a public hearing on the specified date, in accordance with the provisions of Section 3.204 and render a decision approving or denying the request within the 120 day period. Such action shall be the final action by the City on the application.

#### 3.201.02 Procedure for Type I-B Review

Applications subject to administrative review shall be reviewed and decided by the City Recorder.

- A. Upon receipt of an application for a Type I land use action, the City staff shall review the application for completeness.
  1. Incomplete applications shall not be reviewed until all required information has been submitted by the applicant.
  2. If incomplete, the applicant shall be notified and provided additional time of up to 30 days to submit supplemental information as necessary.
- B. The application shall be deemed complete for the purposes of scheduling the hearing and all related timing provisions either:
  1. Upon receipt of the additional information; or, if the applicant refuses to submit the information;
  2. On the 31st day after the original submittal the application shall be deemed complete for review purposes.
- C. Referrals will be sent to interested agencies such as City departments, police and departments, school district, utility companies, and applicable state agencies. If a county road or state highway is impacted, referrals should be sent to the appropriate agency responsible for the road or highway.

- D. If the staff finds that the facts of the particular case require interpretation of existing standards, then a public hearing before the Planning Commission shall be scheduled. The procedures for conducting the public hearing shall comply with the standards in Sections 3.203.
- E. Within thirty (30) days of receipt of a complete application or such longer period mutually agreed to by both staff and the applicant, staff shall review the application and shall make a decision based on an evaluation of the proposal and on applicable criteria as set forth in this Ordinance;
- F. Approvals of a Type I-B action may be granted subject to conditions. The following limitations shall be applicable to conditional approvals:

LIVConditions shall be designed to protect public health, safety and general welfare from potential adverse impacts caused by a proposed land use described in an application. Conditions shall be related to the following:

- a. Ensure that the standards of the development code are met; or
- b. Fulfillment of the need for public service demands created by the proposed use.

3.Changes of alterations of conditions shall be processed as a new administrative action.

4.Whenever practical, all conditions of approval required by the City shall be completed prior to the issuance of an occupancy permit. When an applicant provides information which demonstrates that it is not practical to fulfill all conditions prior to issuance of such permit, the City may require a performance bond or other guarantee to ensure compliance with zoning regulations or fulfillment of required conditions.

- a. Types of Guarantees

Performance guarantees may be in the form of performance bond payable to the City of Dundee, cash, certified check, time certificate of deposit, or other form acceptable to the City. The form must be approved by the City Recorder and appropriate documents filed with the City Recorder.

- b. Amount of Guarantee

The amount of the guarantee must be equal to at least one-hundred-ten percent (110%) of the estimated cost of the performance. The applicant must provide a written estimate acceptable to the City, which must include an itemized estimate of all materials, labor, equipment and other costs of the required performance.

- G. Notice of the decision shall comply with the provisions in Section 3.202.01.
- H. A Type I-B land use decision may be appealed to the Planning Commission, by either the applicant or persons receiving notice of the decision. The appeal shall be filed within ten (10) days from the date of the decision, pursuant to the provisions of Section 3.205.
- I. The timing requirements established this Section are intended to allow a final action, including resolution of appeals for all land use actions within one hundred twenty (120) days of receipt of a complete application. If for any reason it appears that such final action may not be completed within the 120 day period, unless the time period is voluntarily extended by the applicant, the following procedures shall be followed regardless of other processes set forth elsewhere in this Ordinance.
  - 1. The City staff shall notify the City Council of the timing conflict by the 95th day. The City Council shall, in accordance with its own procedures, set a time for an emergency meeting within the 120 day period.
  - 2. Public notice shall be mailed to affected parties as specified in Section 3.202.
  - 3. The City Council shall hold in a public hearing on the specified date, in accordance with the provisions of Section 3.204 and render a decision approving or denying the request within the 120 day period. Such action shall be the final action by the City on the application.

#### 3.201.03 Procedures for Type II and Type III Actions

- A. Upon receipt of an application for Type II or Type III land use action, the City staff shall review the application for completeness.
  - 1. Incomplete applications shall not be scheduled for Type II or Type III review until all required information has been submitted by the applicant.

2. If incomplete, the applicant shall be notified and provided additional time of up to 30 days to submit supplemental information as necessary.
- B. The application shall be deemed complete for the purposes of scheduling the hearing and all related timing provisions either:
    1. Upon receipt of the additional information; or, if the applicant refuses to submit the information;
    2. On the 31st day after the original submittal the application shall be deemed complete for scheduling purposes only.
  - C. Applications for more than one Type II or Type III land use action for the same property may, at the applicant's discretion, be combined and heard or reviewed concurrently.
  - D. Referrals may be sent to interested agencies such as City departments, the school district, utility companies, and applicable state agencies.
  - E. The Public Hearing shall be scheduled and notice shall be mailed to the applicant and adjacent property owners. Notice requirements shall comply with Section 3.202.02.
  - F. Staff shall prepare and have available within 7 days of the scheduled hearing a written recommendation concerning the proposed action. This report shall be mailed to the applicant and available at City Hall for all interested parties.
  - G. The public hearing before the Planning Commission shall comply with the provisions in Section 3.203.
  - H. Approvals of any Type II or Type III action may be granted subject to conditions. The following limitations shall be applicable to conditional approvals:
    1. Conditions shall be designed to protect public health, safety and general welfare from potential adverse impacts caused by a proposed land use described in an application. Conditions shall be related to the following:
      - Protection of the public from the potentially deleterious effects of the proposed use; or
      - Fulfillment of the need for public service demands created by the proposed use.



2.Changes or alterations of conditions shall be processed as a new administrative action.

3.Whenever practical, all conditions of approval required by the City shall be completed prior to the issuance of an occupancy permit. When an applicant provides information which demonstrates to the satisfaction of the Planning Commission that it is not practical to fulfill all conditions prior to issuance of such permit, the Planning Commission may require a performance bond or other guarantee to ensure compliance with zoning regulations or fulfillment of required conditions.

a. Types of Guarantees

Performance guarantees may be in the form of performance bond payable to the City of Dundee, cash, certified check, time certificate of deposit, or other form acceptable to the City. The form must be approved by the City Attorney and appropriate documents filed with the City Recorder.

b. Amount of Guarantee

The amount of the guarantee must be equal to at least one-hundred-ten percent (110%) of the estimated cost of the performance. The applicant must provide a written estimate acceptable to the City, which must include an itemized estimate of all materials, labor, equipment and other costs of the required performance.

c. Time Periods

The Planning Commission may grant a waiver of performance for a period not to exceed six (6) months. A request for extension of any waiver granted must be submitted to and approved by the City Council.

- I. The applicant shall be notified, in writing, of the Planning Commission's decision or recommendation. In addition, notice of the Commission's decision shall be mailed to individuals who request such notice at the public hearing, or, by those individuals who submitted a written request for notice prior to the public hearing.
- J. A Type II land use decision may be appealed to the City Council by either the applicant or persons receiving notice of the decision. The appeal shall be filed within ten (10) days from the date of the

decision, pursuant to the provisions of Section 3.205. Type III land use applications are automatically reviewed by the City Council.

- K. The timing requirements established by this Section are intended to allow a final action, including resolution of appeals for all land use actions within one hundred twenty (120) days of receipt of a complete application, except for annexations, zone changes, and comprehensive plan amendments. If for any reason it appears that such final action may not be completed within the 120 day period, unless the time period is voluntarily extended by the applicant, the following procedures shall be followed regardless of other processes set forth elsewhere in this Ordinance.
1. The City staff shall notify the City Council of the timing conflict by the 95th day. The City Council shall, in accordance with its own procedures, set a time for an emergency meeting within the 120 day period.
  2. Public notice shall be mailed to affected parties as specified in Section 3.202.
  3. The City Council shall hold a public hearing on the specified date, in accordance with the provisions of Section 3.204 and render a decision approving or denying the request within the 120 day period. Such action shall be the final action by the City on the application.

### **3.202**

### **PUBLIC NOTICE REQUIREMENTS**

#### **3.202.01 Type I Actions**

- A. Written notice of any Type I-A decision shall be mailed to the applicant.
- B. Applicants shall be responsible for providing a certified list of property owners within the notice area prepared by Yamhill County or a title company. The list must be current within the last 30 days. Written notice of any Type I-B decision shall be mailed to the owners of property, including county and state agencies responsible for roads and highways, within 100 feet of the boundaries.

#### **3.202.02 Type II and Type III Actions**

- A. Notice of any public hearings before the Planning Commission or City Council for a Type II or Type III land use action required by this Ordinance shall be published in a newspaper of general circulation in the City at least twenty (20) days prior to the public hearing. Newspaper notice shall only be required for comprehensive plan amendments, subdivisions, vacations, and zone changes. Notice for annexations shall be as set forth in Section 3.111.
- B. Applicants shall be responsible for providing a certified list of property owners within the notice area prepared by Yamhill County or a title company. The list must be current within the last 30 days. Written notice of the initial public hearing shall be mailed at least twenty (20) days prior to the hearing date to the owners of property. Written notice of any Type I-B decision shall be mailed to the owners of property, including county and state agencies responsible for roads and highways, within 100 feet of the boundaries.
- C. The City shall post public notice, as described in Subsection E., on the subject property at least seven days prior to the public hearing.
- D. Where a multiple hearing application is scheduled (Type IV) only a ten (10) day written and published notice shall be required.

#### **3.202.03 Notice for Appeals**

- A. Notice of hearings on appeal to either the Planning Commission or City Council shall be pursuant to Subsection (A) above, and shall include written notice at least ten (10) days prior to hearing to the appellant, the applicant and any other individuals who received notice of the original decision.

### 3.202.04 Notice Requirements

#### A. Public notice shall:

3.Explain the nature of the application and the proposed use or uses which could be authorized;

4.Cite the applicable criteria from the ordinance and the plan which apply to the application at issue;

5.Set forth the street address or other easily understood geographical reference to the subject property;

#### 4. State the date, time and location of the hearing;

State that failure of an issue to be raised in a hearing, in person or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals;

Include the name of the City representative to contact and the telephone number where additional information may be obtained;

State that a copy of the application, all documents and evidence relied upon by the applicant and application criteria are available for inspection at no cost and a copy will be available at reasonable cost;

State that a copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and a copy will be provided at reasonable cost;

Include a general explanation of the requirements for submission of testimony and the procedure for conduct of hearing.

### **3.203**

## **PLANNING COMMISSION PUBLIC HEARING**

### **3.203.01 General Provisions**

- A. Land use actions which require a public hearing by the Planning Commission under the provisions of this Ordinance shall be initially heard by the Planning Commission within sixty (60) days of the receipt of an application or appeal.
- B. The Planning Commission may continue a public hearing for additional, information, testimony or for decision only, to its next regular meeting or to a special meeting. In no instance, however, shall the decision be continued more than sixty (60) days beyond the initial hearing date.
- C. Unless there is a continuance, if a participant so requests before the conclusion of the initial evidentiary hearing, the record shall remain open for at least seven days after the hearing.
- D. The decisions of the Planning Commission on applications for Type II actions shall be final unless appealed to the City Council pursuant to Section 3.205.
- E. The recommendations of the Planning Commission on applications for Type III actions shall be referred to the City Council for final determination, pursuant to Section 3.204.
- F. An issue which may be the basis for an appeal to the Land Use Board of Appeals (LUBA) may be raised not later than the close of the record at or following the final evidentiary hearing on the proposal before the city. Such issues shall be raised with sufficient specificity so as to afford the City Council or Planning Commission, and the parties, an adequate opportunity to respond to each issue.
- G. Appeal of a Type I action shall be heard by the Planning Commission in accordance with provisions of Section 3.205. Findings of the Planning Commission on such appeal shall be final unless further appealed to the City Council.

### **3.203.02 Public Hearing Procedures**

- A. The Public Hearing shall be conducted under the following procedures:
  - 1. Open the public hearing and announce the purpose.
  - 2. Call for abstentions.
  - 3. Ask for objections to jurisdiction.

4. Staff report.
5. Proponents address Commission/Council.
  - a. Principal.
  - b. Others.
6. Opponents address Commission/Council.
7. Questions of proponents and opponents from the floor and Commission/Council directed through Chair/Mayor.
8. Public Agencies.
9. Letters.
10. Proponent rebuttal.
11. Staff recommendation.
12. Close of hearing.
13. Deliberation of Commission/Council of findings of fact.

3.203.03 Evidence

- A. All evidence offered and not objected to may be received unless excluded by the Planning Commission on its own motion. Evidence may be received subject to a later ruling as to its admissibility.
- B. The Planning Commission may exclude irrelevant, unduly repetitious, immaterial or cumulative evidence; but erroneous admission of evidence by the Commission shall not preclude action or cause reversal on appeal unless shown to have substantially prejudiced the rights of a party. When a hearing will be expedited, any part of the evidence may be received in written form.
- C. All evidence shall be offered and made a part of the public record in the case.
- D. The Planning Commission may take notice of judicially recognizable facts, and members may take notice of general, technical or scientific facts within their specialized knowledge. Parties shall be notified at any time during the proceeding, but in any event prior to the final decision, of the material so noticed, and they shall be afforded an opportunity to contest the facts so noticed. The Planning Commission members may utilize their experience, technical competence and specialized knowledge in evaluation of

the evidence presented.

E. Every party is entitled to an opportunity to be heard and to present and rebut evidence.

F. All interested persons shall be allowed to testify.

3.203.04 Record of Hearing

A verbatim record of the proceeding shall be made by written, mechanical or electronic means, which record need not be transcribed except upon review of the record.

3.203.05 Limits on Oral Testimony

The Planning Commission Chairman may set consistent, reasonable time limits for oral presentations to the end that parties are encouraged to submit as much evidence as possible in writing prior to the hearing.

3.203.06 Exhibits

All exhibits received shall be marked so as to provide identification upon review. Such exhibits shall be retained by the City.

### **3.204**

### **REVIEW AND PUBLIC HEARINGS BY CITY COUNCIL**

#### **3.204.01 General Provisions**

- A. Action on Type III Reviews: The City Council shall hear all Type III actions pursuant to Subsection 3.201.02. The City Council action on such requests shall be the final action of the City on the request.
- B. Appeals: The City Council shall hear appeals of all Planning Commission actions conducted pursuant to Section 3.205. The appeal hearing shall be conducted in a manner consistent with Section 3.204. The action of the Planning Commission shall be final and the appeal shall not be heard by the Council if the appeal period has lapsed.
- C. All hearings or reviews required by the City Council shall be heard within thirty (30) days of the Planning Commission's written decision or appeal request. In no instance, however, shall this period extend the date of the hearing and final action beyond 120 days from the date of the initial submission of a complete application, unless voluntarily agreed to by the applicant.
- D. The decision shall be made by the City Council and written findings prepared listing findings for approval or denial, and any conditions of approval, within two weeks of the hearing by the City Council. In no case, however, shall this decision and the preparation of written findings extend beyond 120 days from the date of initial submittal of a complete application, unless voluntarily agreed to by the applicant.

#### **3.204.02 Hearings by City Council**

Actions on quasi-judicial requests shall be conducted at public hearings pursuant to the City Council's adopted rules of procedure. The City Council shall allow opportunity for all parties to be heard and may accept new evidence.

#### **3.204.03 Review by City Council**

- A. Review on Record: Except as set forth in Subsection 3.203.03 (B), the City Council review of an appeal on an action by the Planning Commission shall be confined to the record of the initial proceeding. Parties may offer testimony regarding alleged errors in the Planning Commission action. The meeting shall be conducted as set forth in the City Council's adopted rules of procedures. The record of the initial proceeding shall include:
  - 1. All materials, pleadings, memoranda, stipulations and motions submitted by any party to the proceeding and



received or considered by the Planning Commission as evidence;

2. All materials submitted by the City Staff with respect to the application;
3. The transcript of the hearing; and
4. The findings and action of the Planning Commission and the notice of decision.

- B. Submission of New Testimony and De Novo Hearings: The City Council may admit additional testimony and other evidence by holding a de novo hearing.

Upon the decision to admit additional testimony or other evidence and to hear the entire matter de novo, the presentation of such testimony and evidence shall be governed by the procedures applicable to the presentation of such matters at the initial hearing.

- C. City Council Action: The City Council may affirm, rescind or amend the action of the Planning Commission and may grant approval subject to conditions necessary to carry out the Comprehensive Plan and as provided for in Subsection 3.201.02. The City Council may also remand the matter back to the Planning Commission for additional information, subject to the agreement of the applicant to extend the 120 day review period specified in Section 3.201.02 (G).

### **3.205 APPEAL PROVISIONS**

#### **3.205.01 Appeal Period**

- A. The decision of the City Recorder shall be final for a Type I land use decision unless a notice of appeal from an appropriate aggrieved party is received by the City within ten (10) days of the date of the final written notice, or unless the City Council, on its own motion, orders review within ten (10) days of initial action. An appeal stays the proceedings in the matter appealed until the determination of the appeal.
- B. The decision of the Planning Commission for a Type II land use decision, or the appeal of a Type 1-A or 1-B decision, shall be final unless a notice of appeal from an aggrieved party is received by the City within ten (10) days of the date of the final written notice, or unless the City Council, on its own motion, orders review within ten (10) days of initial action. An appeal stays the proceedings in the matter appealed until the determination of the appeal.

#### **3.205.02 Form of Appeal**

Appeal requests shall be made on forms provided by the City and shall state the alleged errors in the Planning Commission action.

#### **3.205.03 Notice Requirements**

- A. Notice of hearings by the Planning Commission on appeal requests shall be as specified in Section 3.202.
- B. Notice of hearings by the City Council on appeal requests shall be as specified in Section 3.202.

#### **3.205.04 Transcript Fees**

In addition to other fees for appeal requests, the appellant shall pay a transcript fee equal to the actual cost of the preparation of the transcript up to \$500, plus one-half the actual costs over \$500. The cost of the transcript fee shall be determined by the cost per page for the preparation of such transcripts, at an appropriate rate. The City shall estimate the cost of the transcript at the time of the filing of the appeal request and shall receive a deposit in that amount. The appellant shall be billed for actual costs in excess of the deposit or receive a refund for surplus deposit funds in excess of transcript fees authorized by this Section.

### **3.206 FEES**

#### **3.206.01 Purpose**

Fees are for the purpose of defraying administrative costs.

3.206.02 General Provisions

- A. Fees shall be payable at the time of application and shall be as set forth by Ordinance or Resolution of the City Council. There shall be no fee required for an application initiated by the Planning Commission or the City Council.
- B. The failure to submit the required fee with an application or notice of appeal, including return of checks unpaid or other failure of consideration, shall be a jurisdictional defect.
- C. Fees are not refundable unless the application is withdrawn prior to the notification of the hearing.
- D. The City Council may reduce or waive the fees upon showing of just cause to do so.

### **3.207 TYPE IV ACTIONS**

#### **3.207.01 Initiation**

Type IV may be initiated by:

- A. Majority vote of the City Council.
- B. Majority vote of the Planning Commission.

#### **3.207.02 Procedure for Type IV Actions**

##### **A. Public Hearings by Planning Commission**

1. A public hearing shall be held by a majority of the Planning Commission on all proposed amendments to this Ordinance and on all legislative amendments to the Zoning Maps.

The Planning Commission may continue any hearing in order to make a reasonable decision.

2. Amendments shall be considered and acted upon by the Planning Commission and no extension granted by the City Council, the City Council may act upon the amendment.
3. Notice of the time, place and purpose of the Planning Commission's hearings shall be given by publication of a notice in a newspaper of general circulation in the City not less than twenty (20) days prior to the date of hearing.

- B. Public Hearing by City Council: Following Planning Commission action, the City Council shall hold a public hearing to consider the Planning Commission's recommendation on proposed amendments. Notice shall be as specified in Section 3.202.

### **3.208 REVOCATION OF DECISION**

#### **3.208.01 Compliance with Conditions**

Compliance with conditions imposed by the City Recorder, Planning Commission or City Council in granting a permit for any land use action shall be required. Any departure from these conditions of approval and approved plans constitutes a violation of this Ordinance.

#### **3.208.02 General Provisions**

- A. The City Recorder may initiate a revocation of any land use permit or approval issued for failure to comply with any prescribed condition of approval. The hearing shall be conducted as a Type II hearing and in accordance with the procedures for a Type II hearing.
- B. Final decisions regarding Comprehensive Plan text or map amendments, Development Code text amendments or zone changes shall not be subject to revocation.